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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 8 जुलाई, 1983

सारणी

क्रम अधिकारी का पदाभिधान सरकारी स्थानों के प्रवर्ग और
मं० अधिकारिता की स्थानीय
सीमाएं

का०आ० 3257.—केन्द्रीय सरकार सरकारी स्थान (अप्राधि-
कृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971
का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए नीचे दी गई सारणी के स्तम्भ (2) में विनिर्दिष्ट
अधिकारी को उक्त अधिनियम के प्रयोजन के लिए संपदा
अधिकारी के रूप में नियुक्त करती है जो उक्त सारणी के
स्तम्भ (3) की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी
स्थानों की बाबत उक्त अधिनियम द्वारा या उसके अधीन
संपदा अधिकारियों को प्रवृत्त शक्तियों का प्रयोग करेगा
और उन पर अधिरोपित कर्तव्यों का अनुपालन करेगा।

1	2	3
1. उप निदेशक (प्रशासन) मंत्रिमंडल सचिवालय डूम डूमा	असम राज्य शिवसागर जिले में नूमलीगढ़ में स्थित उप- निदेशक (प्रशासन) मंत्रि- मंडल सचिवालय, डूम डूमा के प्रशासनिक नियंत्रण के अधीन स्थान।	
2. उप निदेशक (प्रशासन) मंत्रिमंडल सचिवालय, नई दिल्ली।	(1) हरियाणा राज्य में करनाल में स्थित सहायक निदेशक (तकनीकी) क्षेत्र अनुसंधान एकक मंत्रिमंडल के प्रशासनिक नियंत्रण के अधीन स्थान।	

1	2	3
	(2)	हिमाचल प्रदेश राज्य में शिमला जिला, डाकघर शोगी आनन्दपुर में स्थित सहायक निदेशक (तकनीकी) क्षेत्र अनुसंधान एकक, मंत्रिमंडल सचिवालय के प्रशासनिक नियंत्रण के अधीन स्थान।
		[सं० 8/1/83-ई०ए० I]
		पी०आर० बोस, निदेशक (एस० आर०)

CABINET SECRETARIAT

New Delhi, the 8th July, 1983

S.O.3257.—In exercise of the powers conferred by Section-3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers specified in column (2) of the Table below to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the specified in the corresponding entry in Column (3) of the said Table :—

TABLE

Sl. No.	Designation of Officer	Categories of public premises and local limits of jurisdiction
1	2	3
1.	Deputy Director (Administration) Cabinet Secretariat, Doom Dooma.	Premises under the administrative control of the Deputy Director (Administration), Cabinet Secretariat, Doom Dooma situated at Numaligarh, Sibsagar District, Assam State.
2.	Deputy Director (Administration) Cabinet Secretariat, New Delhi.	(i) Premises under the administrative control of Assistant Director (Technical), Field Research Unit, Cabinet Secretariat, Karnal situated in Haryana State. (ii) Premises under the administrative control of Assistant Director (Technical), Field Research Unit, Cabinet Secretariat, Anandpur, P.O. Shogi, District-Simla, situated in Himachal Pradesh State.

[No. 8/1/83-EA. I]
P. R. BOSE, Director (SR)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 29 जून, 1983

(आयकर)

का०आ० 3258.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि सचिव विज्ञान तथा प्रायोगिकी विभाग, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को, आयकर नियम, 1962 के नियम 6 (iv) के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा 2(क) के प्रयोजन के लिए नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित कर दिया है :—

- वैज्ञानिक अनुसंधान कम्पैरिटिव स्टडीज आन दि इफेक्ट आफ दि आरगेनो-फोस्फोरस इसेक्टसाइड्स आन प्लांट मेटाबोलिज्म।
- समर्थक का नाम हिन्दुस्तान लीवर लिमिटेड, बंबई
- कार्यान्वित करने वाली मद्रुरै कामराज विश्वविद्यालय, मद्रुरै प्रयोगशाला
- प्रारंभ करने की तारीख 15-4-1983
- पूरा करने की तारीख 14-4-1985
- परियोजना की अवधि 2 वर्ष
- अनुमानित लागत 99,400 रु०

2. मद्रुरै कामराज विश्वविद्यालय, मद्रुरै आयकर अधिनियम की धारा 35(1)(2) के अन्तर्गत अनुमोदित है, देखिए वित्त मंत्रालय की दिनांक 12-2-1975 की अधिसूचना सं० 867।

[सं० 5300/का०सं० 203/55/82-आ०क०नि० II]

एम०जी०सी० गोयल, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 29th June, 1983

(INCOME TAX)

S.O. 3258.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below, for the purpose of sub-section (2A) of the Section 35 of the Income-tax Act, 1961 read with rule 6(iv) of the Income-tax Rules, 1962 by the Secretary, Department of Science & Technology, New Delhi :—

- Scientific Research : Comparative Studies on the effects of the organophosphorus insecticides on plant metabolism.
- Name of the sponsorer : Hindustan Lever Limited, Bombay
- Implementing Lab. : Madurai Kamaraj University, Madurai
- Date of commencement : 15-4-1983

5. Date of completion : 14-4-1985
 6. Duration of the Project : 2 years
 7. Estimated cost : Rs. 99,400/-

2. Madurai Kamaraj University, Madurai stands approved under section 35(1)(ii) of the Income-tax Act vide Ministry of Finance Notification No. 867 dated 11-2-1975.

[No. 5300/F. No. 203/55/82-ITA II]
 M.G.C. GOYAL, Under Secy.

नई दिल्ली, 23 जुलाई, 1983

प्रधान कार्यालय संस्थापन

क्रा०आ० 3259.—केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 का 54) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा भारतीय राजस्व सेवा (आयकर) के अधिकारी श्री पी०एस० भासकरन को, जो पिछले दिनों नई दिल्ली में महानिदेशक (विशेष जांच) तथा निदेशक निरीक्षण के रूप में तैनात थे, 18 जुलाई, 1983 की पूर्वाह्न से केन्द्रीय प्रत्यक्ष कर बोर्ड के सदस्य के रूप में नियुक्त करती है।

[क्रा०सं० ए० 19011/16/83-प्रशा० I]
 जी०एम० मेहरा, अवर सचिव

New Delhi, the 23rd July, 1983

HEADQUARTERS ESTABLISHMENT

S.O. 3259.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Central Boards of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri P. S. Bhaskaran, an officer of the Indian Revenue Service (Income-tax) & lately posted as Director General (Special Investigation) and D.I., New Delhi as Member of the Central Board of Direct Taxes with effect from the forenoon of the 18th July, 1983.

[F. No. A. 19011/16/83-Ad.I]
 G. S. MEHRA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 3 अगस्त, 1983

आयकर

क्रा०आ० 3260.—आयकर अधिनियम 1961 (1961 का 43) की धारा 122 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस संबंध में केन्द्रीय प्रत्यक्ष कर बोर्ड को अधिकार देने वाली अन्य सभी शक्तियों का प्रयोग करते

हुए और इस संबंध में सभी पूर्ववर्ती अधिसूचनाओं का अधि-संधन करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निदेश देता है कि निम्नलिखित अनुसूची के स्तम्भ 2 में विनिर्दिष्ट रेंज के अपीलीय सहायक आयकर आयुक्त उक्त अनुसूची के स्तम्भ (3) की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर परिमंडलों, बाड़ों और जिलों में आयकर अथवा अधिकार से निर्धारित सभी व्यक्तियों और गाय के संबंध में अपने कार्यों का निर्वहण करेंगे।

अनुसूची

क्रम सं०	रेंज	आयकर परिमंडल/बाड़/जिला
1	2	3
1. मेरठ रेंज, मेरठ		(i) परिमंडल-I (1), मेरठ। (ii) परिमंडल-I (2), मेरठ। (iii) परिमंडल-I (3), मेरठ। (iv) परिमंडल-I (4), मेरठ। (v) परिमंडल-I (5), मेरठ। (vi) परिमंडल-I (6), मेरठ। (vii) परिमंडल-I (7), मेरठ। (viii) परिमंडल-II (1), मेरठ। (ix) परिमंडल-II (2), मेरठ। (x) परिमंडल-II (3), मेरठ। (xi) परिमंडल-II (4), मेरठ। (xii) परिमंडल-II (5), मेरठ। (xiii) परिमंडल-II (6), मेरठ। (xiv) वेतन परिमंडल, मेरठ। (xv) परिमंडल-I विशेष बाड़, मेरठ। (xvi) परिमंडल-II, विशेष बाड़, मेरठ। (xvii) परिमंडल-III, मेरठ। (xviii) ए-बाड़, मेरठ। (xix) अतिरिक्त ए-बाड़, मेरठ। (xx) बी-बाड़, मेरठ। (xxi) सी-बाड़, मेरठ। (xxii) डी-बाड़, मेरठ। (xxiii) ई-बाड़, मेरठ। (xxiv) एस-बाड़, मेरठ। (xxv) जी-बाड़, मेरठ। (xxvi) अतिरिक्त जी-बाड़, मेरठ। (xxvii) एच-बाड़, मेरठ। (xxviii) जे-बाड़, मेरठ। (xxix) के-बाड़, मेरठ। (xxx) केन्द्रीय परिमंडल-I, मेरठ।

1	2	3
		XXXI. केन्द्रीय परिमंडल-II, मेरठ
		XXXII. केन्द्रीय परिमंडल-III, मेरठ
		XXXIII. केन्द्रीय परिमंडल-I, मेरठ
		XXXIV. ग्रामली परिमंडल ग्रामली
2. गाजियाबाद रेंज, गाजियाबाद।		I. गाजियाबाद परिमंडल, गाजियाबाद।
		II. विशेष परिमंडल, गाजिया- बाद।
		III. हापुड़ परिमंडल, हापुड़
		IV. बुलन्दशहर परिमंडल, बुलन्दशहर।
		V. केन्द्रीय परिमंडल, गाजियाबाद
3. मुजफ्फरनगर रेंज, मुजफ्फरनगर।		I. मुजफ्फरनगर परिमंडल, मुजफ्फरनगर।
		II. सम्पदा शुल्क और आयकर परिमंडल, देहरादून।
		III. संपदा-शुल्क और आयकर परिमंडल, मुजफ्फरनगर।
		IV. सम्पदा शुल्क और आयकर परिमंडल, रुड़की।
4. देहरादून रेंज, देहरादून		I. देहरादून परिमंडल, देहरादून
		II. सहारनपुर परिमंडल, सहारन- पुर।
		III. रुड़की परिमंडल, रुड़की
		IV. ऋषिकेश परिमंडल, ऋषि- केश।
		V. हरिद्वार परिमंडल, हरिद्वार।

जहाँ कोई आयकर परिमंडल, वार्ड संपदा अथवा जिला अथवा उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अंतरित कर दिया जाता है उस आयकर परिमंडल, वार्ड अथवा जिले अथवा उसके किसी भाग में किये गए कर-निर्धारणों से उत्पन्न होने वाली और इस अधिसूचना की तारीख से तत्काल-पूर्व रेंज के उस अपीली सहायक आयुक्त के समक्ष विवाराधीन पड़ी अगोचरों जिसके अधिकार क्षेत्र से उस आयकर परिमंडल, वार्ड अथवा जिला अथवा उसका कोई भाग अंतरित किया गया हो इस अधिसूचना के लागू होने की तारीख से रेंज के उस अपीलीय सहायक आयुक्त को अंतरित हो जायेगी और उसके द्वारा निपटायी जायेगी जिसके अधिकार क्षेत्र में उक्त परिमंडल, वार्ड अथवा जिला अथवा उसका कोई भाग अंतरित किया जाता है।

यह अधिसूचना 1-8-1983 से लागू होगी।

[सं० 5353/फा०सं० 261/2/83-आ०का०न्या०]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 3rd August, 1983

INCOME TAX

S.O. 3260.—In exercise of the powers conferred by sub-section (i) of section 122 of Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioner of Income-tax of the range specified in Col. 2 of the schedule below shall perform their functions in respect of all persons and income assessed to Income-tax or super-tax in the Income-tax Circles, wards and districts specified in the corresponding entry in Col. 3.

SCHEDULE

Sl. No.	Range	Income-tax Circle/Ward/Districts
1	2	3
1. Meerut Range, Meerut.		(i) Circle-I (1), Meerut. (ii) Circle-I (2), Meerut. (iii) Circle-I (3), Meerut. (iv) Circle-I (4), Meerut. (v) Circle-I (5), Meerut. (vi) Circle-I (6), Meerut. (vii) Circle-I (7), Meerut. (viii) Circle-II (1), Meerut. (ix) Circle-II (2), Meerut. (x) Circle-II (3), Meerut. (xi) Circle-II (4), Meerut. (xii) Circle-II (5), Meerut. (xiii) Circle-II (6), Meerut. (xiv) Salary Circle, Meerut. (xv) Circle-I, Special Ward, Meerut. (xvi) Circle-II, Special Ward, Meerut. (xvii) Circle-III, Meerut. (xviii) Award, Meerut. (xix) Addl. Award, Meerut. (xx) B-Ward, Meerut. (xxi) C-Ward, Meerut. (xxii) D-Ward, Meerut. (xxiii) E-Ward, Meerut. (xxiv) F-Ward, Meerut. (xxv) G-Ward, Meerut. (xxvi) Addl. G-Ward, Meerut. (xxvii) H-Ward, Meerut. (xxviii) J-Ward, Meerut. (xxix) K-Ward, Meerut.

1	2	3	आय-कर																																													
		(xxx) Central Circle-I, Meerut	<p>फा० आ० 3261.—आयकर अधिनियम, 1961 की धारा 122 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और बोर्ड के दिनांक 13-11-1981 की अधिसूचना सं० 4306 (फा०सं० 261/13/81-आ०क०न्या०) तथा 1-2-82 की अधिसूचना सं० 4448 (फा०सं० 261/6/82 आ०क०न्या०), 7-1-82 की अधिसूचना सं० 4941 तथा दिनांक 10-11-82 की अधिसूचना सं० 4962 (फा०सं० 261/6/82-आ०क०न्या०) का आंशिक संशोधन करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, एतद्वारा निदेश देता है कि निम्न-लिखित अनुसूची के स्तम्भ (1) में विनिर्दिष्ट रेंज के अपीलीय सहायक आयकर आयुक्त, आयकर से निर्धारित उन सभी व्यक्तियों और आय को छोड़कर जिन पर अधिकारिता आयकर आयुक्त (अपील) में निहित है उक्त अनुसूची के स्तम्भ (2) की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर परिमंडलों, वाडों और जिलों में आयकर से निर्धारित सभी व्यक्तियों और आय के संबंध में अपने कार्यों का निर्वहण करेंगे।</p>																																													
		(xxxi) Central Circle-II, Meerut.																																														
		(xxxii) Central Circle-III, Meerut.																																														
		(xxxiii) Central Circle-IV, Meerut.																																														
		(xxxiv) Shamli Circle, Shamli.																																														
2.	Ghaziabad Range, Ghaziabad.	(i) Ghaziabad Circle, Ghaziabad.																																														
		(ii) Special Circle, Ghaziabad.																																														
		(iii) Hapur Circle, Hapur.																																														
		(iv) Bulandshahr Circle, Bulandshahr.																																														
		(v) Central Circle, Ghaziabad.																																														
3.	Muzaffarnagar Range, Muzaffarnagar.	(i) Muzaffarnagar Circle, Muzaffarnagar.																																														
		(ii) Estate Duty-cum-Income-tax Circle, Dehradun.																																														
		(iii) Estate Duty-cum-Income-tax Circle, Muzaffarnagar.																																														
		(iv) Estate Duty-cum-Income-tax Circle, Roorkee.																																														
4.	Dehradun Range, Dehradun.	(i) Dehradun Circle, Dehradun.																																														
		(ii) Saharanpur Circle, Saharanpur.																																														
		(iii) Roorkee Circle, Roorkee.																																														
		(iv) Rishikesh Circle, Rishikesh.																																														
		(v) Haridwar Circle, Haridwar.																																														
<p>Whereas an Income-tax Circle/Ward or District or part thereof stands transferred by this Notification from one Range to another Range, Appeals arising out of assessment made in the Income-tax Circles/Wards or Districts or part thereof and pending immediately before the date of this Notification before the Appellate Asstt. Commissioner of Income-tax from whom that Income-tax Circle, Ward or District or part thereof is transferred to and dealt with by the Appellate Asstt. Commissioner of Income-tax of the Range to whom said Circle, Ward or District or part thereof is transferred to.</p>			<p>अनुसूची</p> <table border="1"> <thead> <tr> <th>क्रम सं०</th> <th>रेंज</th> <th>परिमंडल</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>अपीलीय सहायक आयकर आयुक्त 'ए' रेंज, इन्दौर।</td> <td>1. आ०क०अ०, केन्द्रीय परिमंडल, इन्दौर।</td> </tr> <tr> <td></td> <td></td> <td>2. आ०क०अ०, ए-वार्ड, इंदौर</td> </tr> <tr> <td></td> <td></td> <td>3. अतिरिक्त आ०क०अ०, ए-वार्ड, इंदौर।</td> </tr> <tr> <td></td> <td></td> <td>4. आ०क०अ०, ए-वार्ड, परिमंडल-1 इंदौर।</td> </tr> <tr> <td></td> <td></td> <td>5. आ०क०अ०, बी-वार्ड, इंदौर</td> </tr> <tr> <td></td> <td></td> <td>6. आ०क०अ०, बी-वार्ड, परिमंडल-1 इंदौर।</td> </tr> <tr> <td></td> <td></td> <td>7. आ०क०अ०, सी-वार्ड, परिमंडल-1 इंदौर।</td> </tr> <tr> <td></td> <td></td> <td>8. आ०क०अ०, सी-वार्ड, इंदौर।</td> </tr> <tr> <td></td> <td></td> <td>9. आ०क०अ०, ई-वार्ड, इंदौर।</td> </tr> <tr> <td></td> <td></td> <td>10. आ०क०अ०, अतिरिक्त ई-वार्ड, इंदौर।</td> </tr> <tr> <td></td> <td></td> <td>11. आ०क०अ०, ई-वार्ड परिमंडल-1 इंदौर।</td> </tr> <tr> <td></td> <td></td> <td>12. अतिरिक्त आ०क०अ०, ई-वार्ड, परिमंडल-1, इंदौर।</td> </tr> <tr> <td></td> <td></td> <td>13. आ०क०अ०, एच-वार्ड इंदौर।</td> </tr> </tbody> </table>	क्रम सं०	रेंज	परिमंडल	1	2	3	1.	अपीलीय सहायक आयकर आयुक्त 'ए' रेंज, इन्दौर।	1. आ०क०अ०, केन्द्रीय परिमंडल, इन्दौर।			2. आ०क०अ०, ए-वार्ड, इंदौर			3. अतिरिक्त आ०क०अ०, ए-वार्ड, इंदौर।			4. आ०क०अ०, ए-वार्ड, परिमंडल-1 इंदौर।			5. आ०क०अ०, बी-वार्ड, इंदौर			6. आ०क०अ०, बी-वार्ड, परिमंडल-1 इंदौर।			7. आ०क०अ०, सी-वार्ड, परिमंडल-1 इंदौर।			8. आ०क०अ०, सी-वार्ड, इंदौर।			9. आ०क०अ०, ई-वार्ड, इंदौर।			10. आ०क०अ०, अतिरिक्त ई-वार्ड, इंदौर।			11. आ०क०अ०, ई-वार्ड परिमंडल-1 इंदौर।			12. अतिरिक्त आ०क०अ०, ई-वार्ड, परिमंडल-1, इंदौर।			13. आ०क०अ०, एच-वार्ड इंदौर।
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<p>This Notification shall take effect from 1-8-83.</p>																																																
[No. 5353/F. No. 261/2/83-ITJ]																																																

1	2	3	1	2	3
	14. आ०क०अ०, एच-वार्ड, परि- मण्डल-1, इंदौर ।				35. आ०क०अ०, एम-वार्ड, इंदौर ।
	15. आ०क०अ०, जे-वार्ड, इंदौर ।				36. आ०क०अ०, एम-वार्ड, परि- मण्डल, I, इंदौर ।
	16. आ०क०अ०, जे-वार्ड, परि- मण्डल-II, इंदौर ।				37. अतिरिक्त आ०क०अ०, एम वार्ड, परिमण्डल-11, इंदौर ।
	17. आ०क०अ०, के-वार्ड, इंदौर ।				38. आ०का०अ०, एन-वार्ड इंदौर ।
	18. आ०क०अ०, के-वार्ड, परि- मण्डल-I, इंदौर ।				39. आ०क०अ०, एन-वार्ड परि- मण्डल I, इंदौर ।
	19. आ०क०अ०, आर-वार्ड, इंदौर ।				40. आ०क०अ०, ओ-वार्ड, परि- मंडल-1, इंदौर ।
	20. आ०क०अ०, आर-वार्ड, परिमण्डल-II, इंदौर ।				41. आ०क०अ०, क्यू-वार्ड, इंदौर ।
	21. आ०क० परिमण्डल, खण्डवा				42. आ०क०अ०, क्यू-वार्ड, परि- मण्डल-II, इंदौर ।
	22. सहायक सम्पदा शुल्क नियं- त्रक, इंदौर ।				43. प्रथम अतिरिक्त आ०क०अ०, क्यू वार्ड, परिमण्डल-II, इंदौर ।
	23. आ०क०अ०, विशेष सम्पदा शुल्क और आ०क० परि- मण्डल, इंदौर ।				44. द्वितीय अतिरिक्त आ०क० अ०, क्यू वार्ड, परिमण्डल-III, इंदौर ।
	24. आ०क०अ० विशेष जांच परिमण्डल, इंदौर ।				45. आ०क०अ०, प्रशासन, इंदौर ।
	25. आ०क०अ०, (विशेष) जांच परिमण्डल, इंदौर ।				46. आ०क० परिमण्डल, मऊ ।
	26. आ०क०अ०, विशेष जांच परिमण्डल-1, इंदौर ।				47. आ०क० परिमण्डल, देवास ।
	27. आ०क०अ०, विशेष जांच परिमण्डल-II, इंदौर ।		2. अपीलीय सहायक आयकर आयुक्त, बी-रेंज, इंदौर	1. आ०क०अ०, डी-वार्ड, इंदौर ।	
	28. आ०क०अ०, विशेष जांच परिमण्डल-III, इंदौर ।			2. आ०क०अ०, ई-वार्ड, परि- मंडल-II, इंदौर ।	
	29. आ०क०अ०, विशेष जांच परिमण्डल-IV, इंदौर ।			3. आ०क०अ०, एफ-वार्ड, इंदौर ।	
	30. आयकर परिमण्डल, धार ।			4. आ०क०अ०, एफ-वार्ड, परि- मण्डल-II, इंदौर ।	
	31. आ०क०अ० (बसूली और उगाही वार्ड) परिमण्डल-1, इंदौर ।			5. आ०का०अ०, जी-वार्ड, इंदौर ।	
	32. आ०क०अ०, बी-वार्ड इंदौर । (जैसा कि 15 जून, 1971 तक विद्यमान)			6. आ०क०अ०, जी-वार्ड, परि- मण्डल-I, इंदौर ।	
	33. आ०क०अ०, एल-वार्ड इंदौर ।			7. आ०क०अ०, जी-वार्ड, परि- मण्डल-II, इंदौर ।	
	34. आ०क०अ०, एल-वार्ड, परि- मण्डल-1, इंदौर ।			8. आ०क०अ०, पी-वार्ड, परि- मण्डल-इंदौर ।	
				9. आ०क०अ०, पी-वार्ड, परि- मण्डल-II, इंदौर ।	

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		10. आ०क०अ०, ए-वार्ड, परिमण्डल-II, इंदौर।
		11. आ०क०अ०, विशेष सर्वेक्षण परिमण्डल, इंदौर।
		12. आ०क०अ०, सर्वेक्षण परिमण्डल, इंदौर।
		13. आ०क०अ०, विशेष और सर्वेक्षण परिमण्डल वार्ड, परिमण्डल-I, इंदौर।
		14. आ०क०अ०, विशेष सर्वेक्षण वार्ड, परिमण्डल-I, इंदौर।
		15. आ०क०अ०, विशेष और सर्वेक्षण वार्ड, परिमण्डल-II, इंदौर।
		16. आ०क०अ०, परिमण्डल, खरगांव।
3. अपीलीय सहायक आयकर आयुक्त, उज्जैन, रेंज, उज्जैन	1. आ०क०अ०, ए-वार्ड, उज्जैन।	2. आ०क०अ०, बी-वार्ड, उज्जैन।
	3. आ०क०अ०, सी-वार्ड, उज्जैन।	4. आ०क०अ०, डी-वार्ड, उज्जैन।
	5. आ०क०अ०, ई-वार्ड, उज्जैन।	6. आ०क०अ०, ए-वार्ड, रतलाम।
	7. आ०क०अ०, बी-वार्ड, रतलाम।	8. आ०क० परिमण्डल, मंदसौर।
	9. आ०क० परिमण्डल, नोभच।	
4. अपीलीय सहायक आयकर आयुक्त, भोपाल रेंज, भोपाल	1. आ०क० परिमण्डल, भोपाल।	2. आ०क० परिमण्डल, इटारसी।
	3. आ०क० परिमण्डल, बेतुल।	4. आ०क० परिमण्डल, धिदिगा।
5. अपीलीय सहायक आयकर आयुक्त, खालियर रेंज, खालियर	1. आ०क० परिमण्डल, खालियर।	2. आ०क० परिमण्डल, गुना।
	3. आ०क० परिमण्डल, शिवपुरी।	4. आ०क० परिमण्डल, मुरैना।

जहाँ कोई आयकर परिमण्डल, वार्ड अथवा जिला अथवा उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अन्तर्गत कर दिया जाता है, उस आयकर

परिमण्डल, वार्ड अथवा जिले अथवा उसके किसी भाग में किए गए कर-निर्धारणों से उत्पन्न होने वाली और इस अधिसूचना की तारीख से तत्काल पूर्व रेंज के उस अपीलीय सहायक आयुक्त के समक्ष विचाराधीन पड़ी अपीलें, जिसके अधिकार क्षेत्र से उस आयकर परिमण्डल, वार्ड अथवा उसका कोई भाग अंतर्गत किया गया हो, इस अधिसूचना के लागू होने की तारीख से रेंज के उस अपीलीय सहायक आयुक्त को अन्तर्गत की जायेगी और उसके द्वारा निपटायी जायेगी, जिसके अधिकार क्षेत्र में उक्त परिमण्डल, वार्ड अथवा जिला अथवा उसका कोई भाग अंतर्गत किया गया हो।

यह अधिसूचना 15-7-1983 में लागू होगी।

[सं० 5352/फा०सं० 281/6/82-आ०का०न्या०]

के०एम० मुस्तान, अवर सचिव

INCOME-TAX

S.O. 3261.—In exercise of the powers conferred by Sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and in partial modification of Board's Notification No. 4306 (F. No. 261/13/81-ITJ) dated 13-11-1981, No. 4448 (F. No. 261/6/82-ITJ) dated 1-2-82, No. 4941 dated 7-10-82 and No. 4962 (F. No. 261/6/82-ITJ) dated 10-11-82, the Central Board of Direct Taxes hereby directs that Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the Schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof excluding all persons and incomes assessed to Income-tax over which the jurisdiction vests in Commissioner of Income-tax (Appeals).

SCHEDULE

S. No.	Range	Circle
1	2	3
1. Appellate Assistant Commissioner of Income-tax, A-Range, Indore.	1. ITO, Central Circle, Indore.	2. ITO, A-Ward, Indore.
	3. Addl. ITO, A-Ward, Circle-I, Indore.	4. ITO, A-Ward, Circle-I, Indore.
	5. ITO, B-Ward, Indore.	6. ITO, B-Ward, Circle-I, Indore.
	7. ITO, C-Ward, Circle-I, Indore.	

1	2	3	1	2	3
		8. ITO, C-Ward, Indore.			42. ITO, Q-Ward, Circle-II, Indore.
		9. ITO, E-Ward, Indore.			43. Ist Addl. ITO, Q-Ward-Circle II, Indore.
		10. ITO, Addl. E-Ward, Indore.			44. IInd Addl. ITO, Q-Ward, Circle III, Indore.
		11. ITO, E-Ward, Circle, I, Indore.			45. ITO Administration, Indore.
		12. Addl. ITO, E-Ward, Circle-I, Indore.			46. I.T. Circle, Mhow.
		13. ITO, H-Ward, Indore.			47. I.T. Circle, Dewas.
		14. ITO, H-Ward, Circle-I, Indore.			
		15. ITO, J-Ward, Indore.			
		16. ITO, J-Ward, Circle-II, Indore.	2. Appellate Assistant Commissioner of Income tax, B-Range, Indore	1. ITO, D-Ward, Indore.	
		17. ITO, K-Ward, Indore.		2. ITO, E Ward, Circle-I, Indore.	
		18. ITO, K-Ward, Circle-I, Indore.		3. ITO, F-Ward, Indore.	
		19. ITO, R-Ward, Indore.		4. ITO, F-Ward, Circle-II, Indore.	
		20. ITO, R-Ward, Circle-II, Indore.		5. ITO, G-Ward, Indore.	
		21. I.T. Circle, Khandwa.		6. ITO, G-Ward, Circle-I, Indore.	
		22. Asst. Controller of Estate Duty, Indore.		7. ITO, G-Ward, Circle-II, Indore.	
		23. ITO, Spl. Estate Duty-cum-I.T., Circle, Indore.		8. ITO, P-Ward, Indore.	
		24. ITO, Spl. Investigation Circle, Indore.		9. ITO, P-Ward, Circle-II, Indore.	
		25. ITO (Special) Investigation Circle, Indore.		10. ITO, S-Ward, Circle-II, Indore.	
		26. ITO, Special Investigation Circle-I, Indore.		11. ITO, Spl. Survey Circle Indore.	
		27. ITO, Special, Investigation Circle-II, Indore.		12. ITO, Survey Circle, Indore.	
		28. ITO, Spl. Investigation Circle-III, Indore.		13. ITO, Spl. & Survey Circle Ward, Circle-I, Indore.	
		29. ITO, Special Investigation Circle IV, Indore.		14. ITO, Spl. & Survey Ward, Circle-I, Indore.	
		30. Income-tax Circle, Dhar.		15. ITO, Spl. & Survey Ward, Circle-II, Indore.	
		31. ITO (Collection & Recovery Ward) Circle I, Indore.		16. I.T. Circle, Khargone.	
		32. ITO, B-Ward, Indore (as exiting upto, 15th June, 1971).	3. Appellate Assistant Commissioner of Income-tax, Ujjain Range, Ujjain	1. ITO, A-Ward, Ujjain.	
		33. ITO, L-Ward, Indore.		2. ITO, B-Ward, Ujjain.	
		34. ITO, L-Ward, Circle-I, Indore.		3. ITO, C-Ward, Ujjain.	
		35. ITO, M-Ward, Indore.		4. ITO, D-Ward, Ujjain.	
		36. ITO, M-Ward, Circle-I, Indore.		5. ITO, E-Ward, Ujjain.	
		37. Addl. ITO, M-Ward, Circle II, Indore.		6. ITO, A-Ward, Ratlam.	
		38. ITO, N-Ward, Indore.		7. ITO, B-Ward, Ratlam.	
		39. ITO, N-Ward, Circle I, Indore.		8. I.T. Circle, Mandsaur.	
		40. ITO, O-Ward, Circle I, Indore.		9. I.T. Circle, Neemuch.	
		41. ITO, Q-Ward, Indore.	4. Appellate Assistant Commissioner of Income-tax, Bhopal Range, Bhopal	1. I.T. Circle, Bhopal.	
				2. I.T. Circle, Itarsi.	
				3. I.T. Circle, Betul.	
				4. I.T. Circle, Vidisha.	

1	2	3
5. Appellate Assistant Commissioner of Income tax, Gwalior Range, Gwalior.	1. I.T. Circle, Gwalior.	
	2. I.T. Circle, Guna.	
	3. I.T. Circle, Shivpuri.	
	4. I.T. Circle, Morena.	

Whereas an Income tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of the assessments made in that Income tax Circle, Ward or Districts or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that I.T. Circle, Ward or District or part thereof is transferred shall from the date this notification takes effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This Notification is effective from 15-7-83.

[No. 5352/E. No. 261/6/82 ITJ]

K.M. SULTAN, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 27 जुलाई, 1983

का०आ० 3262.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा II की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा श्री एम०सी० राव को श्री ए०के०ए० कादर के स्थान पर उस तारीख से आरम्भ होने वाली तीन वर्ष की अवधि के लिए गोमती ग्रामीण बैंक, जौनपुर के अध्यक्ष के रूप में नियुक्त करती है जिस तारीख से श्री ए०के०ए० कादर वास्तविक रूप से श्री एम०सी० राव के अध्यक्ष के रूप में कार्यभार संभालेंगे।

[सं० एफ० 2/97/82-आर० आर० बी०]

राम बेहरा, अवर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 27th July, 1983

S.O. 3262.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976) the Central Government hereby appoints Shri M. C. Rao as the Chairman of Gomti Gramin Bank, Jaunpur vice Shri A. K. A. Kadar for a period of three years commencing on the date on which Shri M. C. Rao actually takes over the charge as such Chairman from Shri A. K. A. Kadar.

[No. F. 2/97/82-RRB]

RAAM BEHRA, Under Secy.

नई दिल्ली, 11 जुलाई, 1983

का०आ० 3263.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (1) के खंड (घ) के अनुसरण में और भारत सरकार के आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की दिनांक 12 अक्टूबर, 1982 की अधिसूचना संख्या एफ० 7/10/82-बी०ओ० 1 (1) का अधिक्रमण करते हुए केन्द्रीय सरकार एतद्द्वारा वित्त मंत्रालय (आर्थिक कार्य विभाग) नयी दिल्ली में वित्त सचिव श्री प्रताप किशन कौल को भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में निदेशक नियुक्त करती है।

[सं० एफ० 7/5/83-बी०ओ० 1(1)]

New Delhi, the 11th July, 1983

S.O. 3263.—In pursuance of clause (d) of sub-section (1) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), and in supersession of the notification of the Government of India in the Department of Economic Affairs (Banking Division) No. 7/10/82-BO. 1(1) dated 12th October, 1982, the Central Government hereby nominates Shri P. K. Kaul, Finance Secretary in the Ministry of Finance (Department of Economic Affairs), New Delhi to be a Director on the Central Board of the Reserve Bank of India.

[No. F. 7/5/83-BO.1(1)]

का०आ० 3264.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खण्ड (ग) के उपखण्ड (1) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा वित्त मंत्रालय (आर्थिक कार्य विभाग), नई दिल्ली में वित्त सचिव श्री प्रताप किशन कौल को श्री एम० नरसिंहम के स्थान पर भारतीय औद्योगिक विकास बैंक का निदेशक नामित करती है।

[संख्या एफ० 7/5/83-बी० ओ०-1(2)]

S.O. 3264.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Shri Pratap Kishan Kaul, Finance Secretary in the Ministry of Finance (Department of Economic Affairs), New Delhi as the Director of the Industrial Development Bank of India vice Shri M. Narasimham.

[No. F. 7/5/83-BO.1(2)]

नई दिल्ली, 1 अगस्त, 1983

का०आ० 3265.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खण्ड (ग) के उपखण्डों के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक के परामर्श से एतद्द्वारा वित्त मंत्रालय (आर्थिक कार्य विभाग), नयी दिल्ली में वित्त सचिव श्री प्रताप किशन कौल को श्री एम० नरसिंहम के स्थान पर राष्ट्रीय कृषि और ग्रामीण विकास बैंक का निदेशक नियुक्त करती है।

[संख्या एफ० 7/5/83-बी०ओ०-1]

New Delhi, the 1st August, 1983

S.O. 3265.—In pursuance of clause (c) of sub-section (1) of section 6 of the National Bank for Agriculture and Rural

Development Act, 1981 (61 of 1981), the Central Government, in consultation with Reserve Bank of India, hereby appoints Shri Pratap Kishan Kaul, Finance Secretary in the Ministry of Finance (Department of Economic Affairs), New Delhi as the Director of the National Bank for Agriculture and Rural Development vice Shri M. Narasimham.

[No. F. 7/5/83-BO.1]

का०आ० 3266.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खण्ड (ग) के उपबन्धों के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक के परामर्श से एतद्वारा वित्त मंत्रालय (आर्थिक कार्य विभाग), नयी दिल्ली में वित्त सचिव श्री प्रताप किशन कौल को श्री एम० नरसिंहम के स्थान पर राष्ट्रीय कृषि और ग्रामीण विकास बैंक का निदेशक नियुक्त करती है।

[फा० सं० 7/5/83-बी०ओ-1]

आर० के० कौल, अपर सचिव

S.O. 3266.—In pursuance of clause (c) of sub-section 1 of section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government in consultation with Reserve Bank of India, hereby appoints Shri Pratap Kishan Kaul, Finance Secretary in the Ministry of Finance (Department of Economic Affairs), New Delhi as the Director of the National Bank for Agriculture and Rural Development vice Shri M. Narasimham.

[No. F. 7/5/83-BO-1]

R. K. KAUL, Addl. Secy.

नई दिल्ली, 1 अगस्त, 1983

का०आ० 3267.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) योजना 1980 की धारा 3 की उपधारा (ज) के अनुसरण में केन्द्रीय सरकार श्री के०के० मिश्रा के स्थान पर वित्त मंत्रालय आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली के उप सचिव श्री च०वा० मीरचन्दानी को एतद्वारा विजया बैंक के निदेशक के रूप में नियुक्त करती है।

[संख्या एफ० 9/16/83-बी०ओ-1]

देवेन्द्र राज मेहता, संयुक्त सचिव,

New Delhi, the 1st August, 1983

S.O. 3267.—In pursuance of sub-clause (h) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri C. W. Mirchandani, Deputy Secretary, Ministry of Finance Department of Economic Affairs (Banking Division), New Delhi as a Director of the Vijaya Bank vice Shri K. K. Misra.

[No. F. 9/16/83-BO.1]

D. R. MEHTA, Jt. Secy.

(केन्द्रीय उत्पादन शुल्क समाहर्तालय)

अधिसूचना संख्या 2/83

गुडुर, 22 जून, 1983

का०आ० 3268.—केन्द्रीय उत्पादन शुल्क नियमावली, 1944 के नियम 5 के अधीन मुद्रमों निहित शक्तियों का प्रयोग करते

हुए, मैं इसके द्वारा हम समाहर्तालय में कार्यरत सहायक समाहर्ताओं, केन्द्रीय उत्पादन शुल्क को उनके अपने-अपने अधिकार-क्षेत्र में केन्द्रीय उत्पादन शुल्क नियमावली, 1944 के नियम 56 ग (1) के परन्तुकों (2), (3) और (4) के अधीन केन्द्रीय उत्पादन शुल्क के समाहर्ता की शक्तियों के प्रयोग के लिए प्राधिकृत करता हूँ।

[फा०सी०सं० V/68/8/13/83-एम०पी०-5-खंड II से जारी]

मुकुमार शंकर, समाहर्ता।

(Office of the Collector of Central Excise)

NOTIFICATION NO. 2/83

Guntur, the 22nd June, 1983

S.O. 3268.—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules, 1944, I hereby authorise the Assistant Collectors of Central Excise in this Collectorate, to exercise within their respective jurisdictions, the powers of the Collector of Central Excise under provisos (ii), (iii) and (iv) of Rule 56-C(1) of Central Excise Rules, 1944.

[F. C. No. V(68)/13/83-MP-5 Vol-II]

SUKUMAR SHANKAR, Collector.

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 10 अगस्त, 1983

का०आ० 3269.—भारत के निर्यात व्यापार के विकास के लिए बोहरे ताने वाले पटसन तागपोलिन कपड़ों और धूलों और दोहरे ताने वाले पटसन कैनवस कपड़ों और धूलों का निर्यात से पूर्व क्वालिटी, नियंत्रण और निरीक्षण करने के लिए कतिपय प्रस्ताव निर्यात (क्वालिटी, नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षा-नुसार, भारत सरकार के वाणिज्य मंत्रालय के आदेश संख्या का० आ० 1116 तारीख 19 फरवरी, 1983 के अधीन भारत के राजपत्र भाग-II, खंड-3, उपखंड (ii) में प्रकाशित किए गए थे;

और ऐसे सभी व्यक्तियों से जिनके उनसे प्रभावित होने की संभावना है उक्त आदेश के राजपत्र में प्रकाशन की तारीख से पैंनालॉम दिन के भीतर, आक्षेप तथा सुझाव मांगे गए थे;

और उक्त राजपत्र की प्रतियां जनता को अगस्त 2-3-1983 को उपलब्ध करा दी गयी थी;

और उक्त प्रस्तावों की बाबत जनता से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है;

अतः अब, केन्द्रीय सरकार की निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात् यह राय होने पर कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है निर्यात (क्वालिटी, नियंत्रण और निरीक्षण)

अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

(1) यह अधिसूचित करती है कि दोहरे ताने वाले पटसन तारपोलिन कपड़ों और दोहरे ताने वाले पटसन तारपोलिन थैलों और दोहरे ताने वाले पटसन कैनवस कपड़ों और दोहरे ताने वाले कैनवस थैलों का निर्यात से पूर्व क्वालिटी, नियंत्रण और निरीक्षण किया जाएगा।

(2) दोहरे ताने वाले पटसन तारपोलिन कपड़ों और दोहरे ताने वाले थैलों और दोहरे ताने वाले पटसन कैनवस कपड़ों और थैलों का निर्यात (क्वालिटी, नियंत्रण और निरीक्षण) नियम, 1983 के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करती है जो निर्यात से पूर्व ऐसे दोहरे ताने वाले पटसन तारपोलिन कपड़ों और दोहरे ताने वाले पटसन तारपोलिन थैलों और दोहरे ताने वाले पटसन कैनवस कपड़ों और दोहरे ताने वाले पटसन कैनवस थैलों पर लागू होगा।

(3) निम्नलिखित को मान्यता देती है :—

(क) निर्यात संविदा में करार पाए गए संविदात्मक विनिर्देशों को परन्तु यह जब तक कि विनिर्देश इस आदेश के उपाबंध में दिए गए विनिर्देशों से निम्न स्तर के न हों।

(ख) राष्ट्रीय मानकों को अर्थात् :—

(i) भारतीय मानक;

(ii) अन्य देशों के मानक;

(iii) अन्तर्राष्ट्रीय मानक संगठन द्वारा बनाए गए मानक;

(iv) निर्यात निरीक्षण परिषद् द्वारा मान्यता प्राप्त अन्य निकायों के मानक, तथा

(ग) इस आदेश के उपाबंध में दिए गए विनिर्देशों को मानक विनिर्देशों के रूप में।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान, दोहरे ताने वाले पटसन तारपोलिन कपड़ों और दोहरे ताने वाले पटसन तारपोलिन थैलों और दोहरे ताने वाले पटसन कैनवस कपड़ों और दोहरे ताने वाले पटसन कैनवस थैलों का निर्यात तब तक प्रतिषिद्ध करती है जब तक कि उसके साथ निर्यात (क्वालिटी, नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित अभिकरणों में से किसी एक द्वारा जारी किया गया इस आशय का प्रमाणपत्र न लगा हो कि दोहरे ताने वाले पटसन तार-

पोलिन कपड़ों और दोहरे ताने वाले पटसन कैनवस कपड़ों और दोहरे ताने वाले पटसन कैनवस थैलों का परेक्षण क्वालिटी नियंत्रण और निरीक्षण से सम्बन्धित शर्तों को पूरा करता है तथा निर्यात योग्य है।

2. इस आदेश की कोई भी बात भावी श्रेताओं को भूमि, वायु, जल मार्ग द्वारा दोहरे ताने वाले पटसन तारपोलिन कपड़ों और दोहरे ताने वाले पटसन तारपोलिन थैलों और दोहरे ताने वाले पटसन कैनवस कपड़ों और दोहरे ताने वाले पटसन कैनवस थैलों के नमूनों के निर्यात पर लागू नहीं होगी परन्तु यह तब जब कि उनका पोत पर्यन्त निःशुल्क मूल्य 125/- (एक सौ पच्चीस रुपए) से अधिक न हो।

3. इस आदेश में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(i) दोहरे ताने वाले पटसन कैनवस थैले से नीचे
(ii) में विनिर्दिष्ट कपड़े से बना थैला अभिप्रेत है :—

(ii) दोहरे ताने वाला पटसन कैनवस कपड़ों से पूर्णतया पटसन से बना दोहरे ताने तथा एकल बाने से अन्तर्ग्रथित एक सार्दी बुनाई का कपड़ा अभिप्रेत है जिसका वजन (12 औंस प्रति वर्ग गज) 407 ग्राम से कम नहीं होना चाहिए। ताने वाले धागों (सिरों) की संख्या 118 प्रति डेसीमीटर (30 प्रति इंच) से अधिक होगी और बाने वाले धागों (पिकों) की संख्या 55 प्रति डेसीमीटर (14 प्रति इंच) से कम नहीं होगी।

(iii) दोहरे ताने वाले पटसन तारपोलिन थैले से नीचे मंद संख्या (4) में निर्दिष्ट कपड़ों से बना थैला अभिप्रेत है।

(iv) दोहरे ताने वाला पटसन तारपोलिन कपड़े से पूर्णतया जूट से बना दोहरे ताने तथा एकल बाने से अन्तर्ग्रथित एक सार्दी बुनाई का कपड़ा अभिप्रेत है जिसका वजन 18 औंस प्रति वर्ग गज (610 ग्राम प्रति वर्ग मीटर) से कम नहीं है और जिसके ताने वाले धागों की संख्या 30 प्रति इंच (118 प्रति डेसी मीटर) और बाने वाले धागों की संख्या 14 प्रति इंच (55 प्रति डेसीमीटर) से अधिक नहीं होगी।

4. यह आदेश राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।

उपाबंध

[पैरा 1 का उप-पैरा (3) देखिए]

दोहरे ताने वाले पटसन तारपोलिन कपड़ों तथा धूलों तथा दोहरे ताने वाले पटसन कैनवास कपड़ों और धूलों की अनुरूपता के लिए विनिर्देश और मानवंड

1. सामान्य अपेक्षाएं :

1.1 फैब्रिक पटसन के धागों से दोहरे ताने और एकल धाने में सादा बुना जाएगा और कुंदी (कलैंडर) किया जाएगा। इसके किनारे सुवृद्ध और उचित रूप से सीधे होंगे। कपड़े में सलवटें नहीं होंगी या उसमें इतनी सलवटें होंगी जितनी क्रेता और विक्रेता के बीच करार पायी जाए।

1.2 फैब्रिक सामान्यतः बुनाई के मुख्य दोषों जैसे छिद्रों, काटों, चीरों आदि से रहित होगा।

2. अनुरूपता के लिए पैरामीटर सह्यताएं और कसौटी :

2.1 दोहरे ताने वाले पटसन तारपोलिन कपड़े या कर्तन या रोल या थान तथा दोहरे ताने वाले पटसन कैनवास कपड़े या कर्तन या रोल या थान के लिए।

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क्र० सं० पैरामीटर	सह्यताओं सहित विनिर्देश	अनुरूपता के लिए कसौटी
(1)	(2)	(3)
1. प्रति वर्गमीटर भार	क्रेता और विक्रेता के बीच संविदा के अनुसार ग्रामों में परिवर्तित और निकटतम ग्राम में पूर्ण की गयी। सह्यताएं (क) कर्तनों के लिए : $+8\% - 2\%$ (ख) रोलों या धानों के लिए : $+6\% - 4\%$	(क) परीक्षण के अधीन नमूनों के प्रति वर्गमीटर भार का औसत मूल्य मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगा। (ख) परीक्षण के अधीन रोलों या धानों का (रोलों या धानों के भार के आधार पर) प्रति वर्गमीटर भार का औसत मूल्य मान्यता प्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगा।
2. चौड़ाई	क्रेता और विक्रेता के बीच संविदा के अनुसार सेंटीमीटर में परिवर्तित और निकटतम 0.5 सेंटीमीटर तक पूर्ण की गयी। सह्यताएं न्यूनतम 4 सेंटीमीटर के अधीन $+4\% - 0\%$	चौड़ाई रीडिंग का 70% मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगा। शेष में अधिक से अधिक 2 सेंटीमीटर तक चौड़ाई रीडिंग का 20% विनिर्दिष्ट सीमा से अधिक या विनिर्दिष्ट सीमा से कम हो सकता है।
3. सिर/डेसीमीटर	संरचनाओं के अनुसार निकटतम सिरों/डेसीमीटर में संपरिवर्तित। सह्यताएं $\pm 4\%$ (गणना के पश्चात् निकटतम सिर तक पूर्ण किया जाएगा)	परीक्षण के अधीन नमूनों के सिर प्रति डेसीमीटर का औसत मूल्य मान्यता प्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगा।
4. पिक/डेसीमीटर	संरचनाओं के अनुसार निकटतम सिरों/डेसीमीटर में संपरिवर्तित सह्यताएं $\pm 6\%$ (गणना के पश्चात् निकटतम सिरों तक पूर्ण किया जाएगा)।	परीक्षण के अधीन नमूनों में प्रति डेसीमीटर पिकों को औसत मूल्य मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगा
5. तैलीय अंश	6 प्रतिशत अधिकतम	परीक्षण के अधीन नमूनों के तैलीय अंश का औसत प्रयोजन के लिए मान्यता प्राप्त विनिर्देश से अधिक नहीं होगा।

(1)	(2)	(3)	(4)
6. पुनः प्राप्त आद्रता	20 प्रतिशत अधिकतम	परीक्षण के अधीन नमूनों की पुनः प्राप्त आद्रता की प्रतिशतता से अधिक औसत मूल्य विनिर्दिष्ट सीमा से अधिक नहीं होगा।	
7. पुनः प्राप्त संविदा	16 प्रतिशत	विशेष ध्यान दीजिए: यह वह मूल्य है जिस पर शुद्ध भार परिगणित किया जाना चाहिए।	
8. सही शुद्ध भार	संविदा के अनुसार सह्यताएं		
(क) गांठ	(क) संविदा भार से कम नहीं	(क) परीक्षण के अधीन गांठों का सही शुद्ध भार गांठों के संविदा भार से कम नहीं होगा।	
(ख) रोल	(ख) संविदा किए गए भार से + 6 तथा 4% से अधिक नहीं होगा।	(ख) परीक्षण के अधीन रोलों का सही शुद्ध भार संविदा किए गए भार से + 6 तथा - 4 प्रतिशत से अधिक भिन्न नहीं होगा।	
9. कुल लम्बाई	संविदा के अनुसार सह्यताएं		
(क) गांठ	(क) लम्बाई संविदा से कम नहीं	(क) परीक्षण के अधीन प्रत्येक गांठ में कर्तनों की लम्बाई गांठों की संविदा की गयी लम्बाई से कम नहीं होगी।	
(ख) रोल	(ख) क्रेता और विक्रेता के बीच संविदा के अनुसार निकटतम गजों (मीटरों) में संपरिवर्तित	(ख) परीक्षण के अधीन कम से कम 80% रोलों की लम्बाई लगातार और मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगी। शेष 20% रोलों की लम्बाई अनुबंधित लम्बाई के	
	सह्यताएं $\pm 1\%$	± 30 प्रतिशत के भीतर होगी।	
10. गांठ में मध्यम कर्तनों और छोटी कर्तनों की संख्या	(क) तीन मध्यम कर्तनों से अधिक नहीं अर्थात् कर्तनों का माप 37 मीटर (40 गज) या अधिक किन्तु 82 मीटर (90 गज) से कम या (ख) दो मध्यम कर्तनों और एक छोटा टुकड़ा अर्थात् 18 मीटर (20 गज) या अधिक किन्तु 37 मीटर (40 गज) से कम माप वाले	परीक्षण के अधीन गांठों में मध्यम कर्तनों और छोटे टुकड़ों की संख्या विनिर्दिष्ट संख्या से अधिक नहीं होगी।	
11. परेषण में संयुक्त रोलों की संख्या	कपड़े के दो टुकड़ों से बने रोलों के अधिक से अधिक 30 प्रतिशत से जुड़े रोल हो सकते हैं (जुड़े या एक साथ सिले हुए नहीं जब तक कि क्रेताओं द्वारा अन्वयथा मांग न की गयी हो)।	परेषण में जुड़े हुए रोलों की संख्या विनिर्दिष्ट सीमा से अधिक नहीं होगी (सबसे छोटा टुकड़ा 30 मीटर से कम नहीं होना चाहिए)।	

सारणी

2.2 बाहर ताने वाले पटसन तारपोलिन थैलों और दोहरे ताने वाले पटसन कैनवास थैलों के लिए

क्रम संख्या	पैरामीटर	सह्यताओं सहित विनिर्देश	अनुस्यूता के लिए मापदंड
(1)	(2)	(3)	(4)
1.	थैले का भार	क्रेता और विक्रेता के बीच संविदा के अनुसार निकटतम ग्रामों में संपरिवर्तित थैले के औसत भार के लिए सह्यताएं + 8 प्रतिशत - 2 प्रतिशत	परीक्षण के अधीन नमूनों के थैले का औसत भार मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगा।

(1)	(2)	(3)	(4)
2.	थैले का परिमाण (क) बाहरी लम्बाई (ख) बाहरी चौड़ाई	क्रेता और विक्रेता के बीच संविदा के अनुसार निकटतम 0.5 सेंटीमीटर में संपरिवर्तित सह्यताएं कम से कम 4 से० मी० के अधीन रहते हुए + 4 प्रतिशत %—0 प्रतिशत	परीक्षण के अधीन कम से कम 70 प्रतिशत थैलों का परिमाण मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगा। शेष थैलों में 20 प्रतिशत तक थैले विनिर्दिष्ट सीमा से 2 सेंटीमीटर तक अधिक या कम हो सकते हैं।
3.	मिरे/डेसीमीटर	संरचना के अनुसार निकटतम मिरो/डेसीमीटर से संपरिवर्तित सह्यताएं ± 4 प्रतिशत (गणना के पश्चात् निकटतम मिरो तक पूर्ण किया जाएगा)।	परीक्षण के अधीन नमूनों के प्रति डेसीमीटर मिरो का औसत मूल्य मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगा।
4.	पिक/डेसीमीटर	संरचना के अनुसार निकटतम प्रति डेसीमीटर पिकों में संपरिवर्तित। सह्यताएं ± 6 प्रतिशत (गणना के पश्चात् निकटतम पिकों को पूर्ण किया जाएगा)।	परीक्षण के अधीन नमूनों के प्रति डेसीमीटर पिकों का औसत मूल्य मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुसार होगा।
5.	तैलीय अंश	6 प्रतिशत अधिकतम	परीक्षण के अधीन नमूनों के औसतन तेल अंश की प्रतिशतता विनिर्दिष्ट सीमा से अधिक नहीं होगी।
6.	पुनः प्राप्त आद्रता	20 प्रतिशत अधिकतम	परीक्षण के अधीन नमूनों के औसतन तेल अंश की प्रतिशतता विनिर्दिष्ट सीमा से अधिक नहीं होगी।
7.	पुनः प्राप्त संविदा	16 प्रतिशत	विशेष ध्यान दीजिए, यह वह मूल्य है जिस पर सही भार का परिकलन किया जाता है।
8.	पुनः प्राप्त संविदा में गांठ का शुद्ध भार	संविदा की गयी गांठ के भार से कम नहीं	परीक्षण के अधीन गांठों के सही शुद्ध भार का योग गांठों के संविदा किए गए भार से कम नहीं होगा।
9.	प्रति गांठ के अनुसार थैलों की संख्या	संविदा की गयी संख्या से कम नहीं	परीक्षण के अधीन प्रत्येक गांठ में थैलों की संख्या संविदा की गयी या विनिर्दिष्ट संख्या से कम नहीं होगी।
10.	प्रति बंडल के अनुसार संयुक्त थैलों की संख्या	4 प्रतिशत से कम नहीं	परीक्षण के अधीन प्रत्येक बंडल में जुड़े हुए थैलों की संख्या प्रति बंडल कुल थैलों के 4 प्रतिशत से अधिक नहीं होगी।
11.	प्रति डेसीमीटर टांके	9 से 11	परीक्षण के अधीन प्रत्येक थैले में प्रति डेसीमीटर टांकों की संख्या इस प्रयोजन के लिए मान्यताप्राप्त विनिर्देशों के अनुसार होगी।

परीक्षण और निरीक्षण प्रक्रिया

परीक्षण की पद्धति दोहरे ताने वाले पटसन कैनवास कर्तन या रोलों के लिए भारतीय मानक सं० 10036 (भाग I तथा II)—1982 तथा दोहरे ताने वाले तारपोलिन टुकड़ों के लिए भारतीय मानक : 7407 (भाग I से III)—1980 या भारतीय मानक 3790-1971 दोनों से बने थैलों के लिए होगी।

[फाइल सं० 6 (26)/79-ई० आई० एण्ड ई० पी०]
सी० बी० कुकरेती, संयुक्त निदेशक।

MINISTRY OF COMMERCE

ORDER

New Delhi, the 10th August, 1983

S.O. 3269.—Whereas for the development of the export trade of India certain proposals for subjecting double warp jute tarpaulin cloth and double warp jute tarpaulin bag and double warp jute canvas cloth and double warp jute canvas bag, to quality control and inspection prior to export were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 19th February, 1983, under the order of the Government of India in the Ministry of Commerce No. S.O. 1116, dated the 19th February, 1983;

And whereas the objections and suggestions were invited from all persons likely to be affected thereby within 45 days of the publication of the said order in the official Gazette;

And whereas the copies of the said Gazette were made available to the public on the 3rd March, 1983 ;

And whereas the objections and suggestions received from public on the said draft proposals have been considered by the Central Government.

Now, therefore, the Central Government, after consulting the Export Inspection Council, being of opinion that it is necessary and expedient to do so for the development of export trade of India, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1983 (22 of 1983), hereby :—

(1) notifies that double warp jute tarpaulin cloth and double warp jute tarpaulin bag and double warp jute canvas cloth and double warp jute canvas bag shall be subject to Quality Control and Inspection prior to export.

(2) specifies the type of Quality Control and Inspection in accordance with the Export of Double Warp Jute Tarpaulin Cloth and Bag, and Double Warp Jute Canvas Cloth and Bag (Quality Control and Inspection) Rules, 1983, as the type of quality control and inspection which would be applied to such double warp jute tarpaulin cloth and double warp jute tarpaulin bag, and double warp jute canvas cloth and double warp jute canvas bag, prior to export.

(3) recognises :—

(a) The contractual specifications as agreed upon in the Export Contract provided that such specifications do not fall below the specifications as set out in Annexure to this order.

(b) National Standards that is to say :—

(i) Indian Standards;

(ii) Standards of other countries;

(iii) Standards prepared by International Standards Organisation;

(iv) Standards of other bodies recognised by Export Inspection Council ; and

(c) the specifications as set out in Annexure to this order as the standard specification.

(4) prohibits the export in the course of international trade of such double warp jute tarpaulin cloth and double warp jute tarpaulin bag and double warp jute canvas cloth and double warp jute canvas bag unless the same is accompanied by a certificate issued by any one of the Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963, (22 of 1963) to the effect that the consignment of double warp jute tarpaulin cloth, double warp jute tarpaulin bag, and double warp jute canvas cloth and double warp jute canvas bag, satisfies the conditions relating to quality control and inspection and is exportworthy.

2. Nothing in this order shall apply to export by land, sea or air of samples of double warp jute tarpaulin cloth and double warp jute tarpaulin bag, and double warp jute canvas cloth and double warp jute canvas bag, to the prospective buyers, provided the free on board (F.O.B.) value of which does not exceed Rs. 125 (Rupees one hundred and twentyfive only).

3. In this order, unless the context otherwise requires :—

(i) double warp jute canvas bags shall mean bags made from cloth referred to at (ii) below :—

(ii) double warp jute canvas cloth means a plain weave cloth made wholly of jute with double warp and single weft, interwoven, weighing not less than 407 gms. per sq. metre (12 oz. per sq. yard). The number of warp threads (ends) per dm. shall be more than 118 (30 per inch) and the number of weft threads (picks) per dm. shall not be less than 55 (14 per inch).

(iii) double warp jute tarpaulin bag shall mean bags made from cloth referred to in item (iv) below :—

(iv) double warp jute tarpaulin cloth means plain weave cloth made wholly of jute with double warp and single weft, interwoven, weighing not more than 18 ounces per sq. yard. (610 gms. per sq. metre) having the number of warp threads not more than 30 per inch (118 per dm.) and weft threads not more than 14 per inch (55 per dm.).

4. This order shall come into force on the date of its publication in the official Gazette.

ANNEXURE

(See sub-paragraph (3) of paragraph 1)

Specifications and Criteria for Conformity of Double Warp Jute Tarpaulin cloth and bag and Double Warp Jute Canvas cloth and bag

1. General Requirements :

1.1 The fabric shall be woven with jute yarn in double warp and single weft, in plain weave and shall be calendared, its selvedge shall be firm, reasonably straight. The cloth shall be without stripes or shall have stripes as agreed to between the buyer and the seller.

1.2 The fabric shall be generally free from holes, cuts, tears etc. which are major weaving faults.

2. Parameters, Tolerances and Criteria for Conformity :

2.1 For Double Warp Jute Tarpaulin Cloth or cut or roll or bolt and Double Warp jute canvas cloth or cut or roll or bolt.

TABLE

Sl. No.	Parameters	Specifications with tolerances	Criteria for conformity
(1)		(2)	(3)
1. Weight per sq. meter		As per contract between the buyer and the seller converted to gms. and rounded off to nearest gms. TOLERANCE : (a) For Cuts : +8% —2% (b) For Rolls : +6% or Bolts —4%	(a) The average value of wt./sq. metre of the samples under test shall be in accordance with the requirements of the specification recognised. (b) The average value of wt./sq. metre (on rolls or bolts weight basis) or the rolls or bolts under test shall be in accordance with the requirements of the specification recognised.
2. Width		As per contract between the buyer and the seller converted to cms. and rounded off to nearest 0.5 cms. TOLERANCES : +4% subject to a minimum of 4 cms.—0%	70% of the width readings shall be in accordance with the requirements of the specification recognised. In the remaining, upto 20% of the width readings may go above the specified limit or may go below the specified limit upto an extent of 2 cms.
3. Ends/dm.		As per constructions converted to nearest Ends/dm. TOLERANCES : ±4% (Rounded off to nearest end after calculation)	The average value of Ends/dm. of the samples under test shall be in accordance with the requirements of the specifications recognised.
4. Picks/dm.		As per constructions converted to nearest picks/dm. TOLERANCES : ±6% (Rounded off to nearest picks after calculation).	The average value of picks per dm. of the samples under test shall be in accordance with the requirements of the specification recognised.
5. Oil Content		6% maximum	The average oil content percentage of the samples under test shall not exceed the specification recognised for the purpose :
6. Moisture Regain		20% Maximum	The average value of moisture regain percentage of the samples under test shall not exceed the specified limit.
7. Contract Regain		16%	N.B. : This is the value at which corrected weight is to be calculated.
8. Corrected Net weight of :— (a) Bale (b) Roll		As per contract TOLERANCES : (a) Not less than the contract weight. (b) Shall not vary from the contract weight by more than +6 and —4 percent.	(a) The total of the corrected net weight of the bales under test shall not be less than the contract weight of the bale. (b) The total of the corrected net weight of the rolls under test shall not vary from the contract weight by more than +6 and —4 percent.

(1)	(2)	(3)
9. Total length	As per contract.	(a) Total length of cuts in each bale under test shall not be less than the contract bale length.
(a) Bale	TOLERANCES	
	(a) Not less than the contract length.	
(b) Roll	(b) As per contract between the buyer and the seller converted to nearest yard (mtr.)	(b) The length of at least 80% of the rolls under test shall be continuous and in accordance with the requirements of the specifications recognised. The length of the remaining 20% roll shall be within $\pm 30\%$ of the stipulated length.
	TOLERANCES :	
	$\pm 1\%$	
10. Number of medium cuts and short pieces in a bale.	(a) Not more than three medium cuts i.e. measuring 37 mtrs. (40 yds.) or more but less than 82 metres (90 yds.) or (b) Two medium cuts and one short piece i.e. measuring 18 mtrs. (20 Yds.) or more but less than 37 metres (40 Yds.)	The numbers of medium cuts short pieces in the bales under test shall not exceed the specified number.
11. Number of joined rolls in a consignment.	Not more than 30% of the rolls may be joined rolls made of 2 pieces of cloth (not joined or stitched together unless otherwise asked by the buyers).	Number of joined rolls in consignment shall not exceed the specified limit (the shorter piece must not be less than 30 mts.)

2.2 For Double Warp Jute Tarpaulin Bags and Double Warp Jute Canvas Bags.

TABLE

Sl. No.	Parameters	Specification with tolerances	Criteria for conformity
(1)	(2)	(3)	(4)
1. Weight of Bag		As per contract between the buyer and the seller converted to nearest gms. TOLERANCES FOR AVERAGE BAG WEIGHT +8% -2%	The average bag weight of the samples under test shall be in accordance with the requirements of the specifications recognised.
2. Dimension of Bag		As per contract between the buyer and the seller converted to nearest 0.5 cms. TOLERANCES +4% subject to a minimum of 4 cms. -0%	The dimensions of at least 70% of the bags under test shall be in accordance with the requirements of the specification recognised. In the remainings upto 20% of the bags may go above the specified limit or may go below the specified limit upto an extent of 2 cms.
	(a) Outside length		
	(b) Outside Width		

(1)	(2)	(3)	(4)
3. Ends/dm.	As per constructions converted to nearest Ends./dm. TOLERANCES ±4% (Rounded off to nearest end after calculation)	The average value of Ends/dm. of the sample under test shall be in accordance with the requirements of the specifications recognised.	
4. Picks/dm.	As per the constructions converted to nearest Picks/dm. TOLERANCES ±6% (Rounded off to nearest picks after calculation)	The average value of picks/dm. of the samples under test shall be in accordance with the requirements of specifications recognised.	
5. Oil Content	6% Maximum	The average oil content percentage of the samples under test shall not exceed the specified limit.	
6. Moisture regain	20% Maximum	The average Moisture regain percentage of the samples under test shall not exceed the specified limit.	
7. Contract regain	16%	N.B. : This is the value at which corrected weight is to be calculated.	
8. Corrected Nett weight of bale at contract regain.	Not less than the contract bale weight.	The total of the corrected nett weight of the bales under test shall not be less than the contract weight of the bales.	
9. Number of bags per bale.	Not less than the contracted number.	The number of bags in each bale under test shall not be less than the contracted or specified number.	
10. Number of joint bags per bundle.	Not more than 4%	The number of joined bags in each bundle under test shall not be more than 4% of the total bags per bundle.	
11. Stitches per decimeter	9 to 11	The number of stitches per decimeter of each bag under test shall be in accordance with the specifications recognised for the purpose.	

TESTING AND INSPECTION PROCEDURE

The method of test shall be same as stipulated in IS : 10036 (Part I and II)—1982 for Double Warp Jute Canvas Cuts or Rolls and IS : 7407 (Part I to III)—1980 for Double Warp Jute Tarpaulin Cuts or Rolls and IS : 3790—1971 for the bags made from both.

[F. No. 6(26)/79 EI & EP]

का०आ० 3270.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार निम्न-लिखित नियम बनाती है अर्थात् :—

1. संक्षिप्त नाम तथा प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम दोहरे ताने वाला पटसन तिरपाल कपड़ा और थैलों और दोहरे ताने वाला पटसन कैनवास कपड़ा और थैलों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1983 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएँ :— इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो :—

(क) “अधिनियम” से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ख) “अभिकरण” से अधिनियम की धारा 7 के अधीन मुम्बई, कलकत्ता, कोचीन, दिल्ली और मद्रास में स्थापित निर्यात निरीक्षण अभिकरण अभिप्रेत हैं;

(ग) “परिषद” से अधिनियम की धारा 3 के अधीन स्थापित निर्यात निरीक्षण परिषद अभिप्रेत है,

(ब) "दोहरे ताने वाला जूट कैनवस थैले" से नीचे खण्ड (इ) में विनिर्दिष्ट कपड़े से बना थैला अभिप्रेत है;

(इ) "दोहरे ताने वाला कैनवस कपड़ा" से पूर्णतया पटसन से बना दोहरे ताने तथा एकल ताने से अंतर्ग्रथित एक सादी बुनाई का कपड़ा अभिप्रेत है जिसका वजन (12 औंस प्रतिवर्ग गज) 407 ग्राम प्रति वर्ग मीटर से कम नहीं होना चाहिए और जिसके ताने धागों सिरे की संख्या 30 प्रति इंच (118 प्रति डेसीमीटर) से अधिक नहीं होगी तथा ताने धागों की संख्या प्रति डेसीमीटर (पिक) (14 प्रति इंच) 55 प्रति डेसीमीटर से कम नहीं होगी।

(च) "दोहरे ताने वाले पटसन तिरपाल थैले" से खंड (छ) में विनिर्दिष्ट कपड़ों से बना थैला अभिप्रेत है;

(छ) "दोहरे ताने वाले पटसन तिरपाल कपड़ा" से पूर्णतया जूट से बना दोहरे ताने तथा एकल ताने से अंतर्ग्रथित एक सादी बुनाई का कपड़ा अभिप्रेत है जिसका वजन 18 औंस प्रति वर्ग गज (610 ग्राम प्रति वर्ग मीटर) है और जिसके ताने धागों की संख्या 30 प्रति इंच (118 प्रति डेसीमीटर) और ताने धागों की संख्या 14 प्रति इंच (55 प्रति डेसीमीटर) से अधिक नहीं होगी।

3. क्वालिटी नियंत्रण और निरीक्षण:—(1) क्वालिटी नियंत्रण-नियंत्रित के लिए आशयित दोहरे ताने वाले पटसन तारपोलिन कपड़े और दोहरे ताने वाले पटसन तारपोलिन थैले और दोहरे ताने वाले पटसन कैनवस कपड़े और दोहरे ताने वाले पटसन कैनवस थैलों का क्वालिटी नियंत्रण यह देखने के विचार से किया जाएगा कि ये अनुसूची 1 में दिए गए नियंत्रणों के स्तरों सहित विनिर्माण के विभिन्न प्रक्रमों पर निम्नलिखित नियंत्रणों का प्रयोग करते हुए अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त विनिर्देशों के अनुरूप हैं।

(i) विनिर्माण एकक द्वारा एक प्रयोगशाला और निरीक्षण विभाग बनाया जाएगा जिसमें आवश्यक निरीक्षण और परीक्षण करने के लिए पर्याप्त उपस्कर और कर्मचारी होंगे तथा वे यह सुनिश्चित करेंगे कि एकक द्वारा विनिर्मित उत्पाद इस प्रयोजन के लिए मान्यता प्राप्त विनिर्देशों के अनुरूप हैं।

(ii) उत्पादों का निरीक्षण करने के लिए नमूना जहां कहीं भी अपेक्षित है अभिलिखित अन्वेषणों पर आधारित होगा।

(iii) किए गए परीक्षण के बारे में विनिर्माता द्वारा पर्याप्त अभिलेख नियमित एवं व्यवस्थित रूप से रखे जाएंगे

(iv) भंडारण और अभिवहन दोनों के दौरान, उत्पाद भली-भांति परिरक्षित किया जाएगा।

(v) उत्पादन तथा निरीक्षण और परीक्षण में प्रयुक्त गेजों और उपकरणों की कालिक जांच तथा अंशमोधन किया जाएगा और उस आशय के अभिलेख विनिर्माण एकक द्वारा अभिलेख वृत्त कार्ड के रूप में रखे जाएंगे।

(vi) सभी उत्पादों पर उचित पहचान चिन्ह लगा होगा ताकि जब कभी आवश्यक हो सही कार्यवाही करने के लिए उन्हें उसी नियंत्रण यूनिट से संबंधित किया जा सके जिससे उनका संबंध है।

(vii) जब उत्पाद उचित क्वालिटी नियंत्रण परिमाणों का प्रयोग किए बिना विनिर्मित किया गया है और जहां के परिमाणों से यह मासूम होता है कि उत्पाद इस प्रयोजन के लिए मान्यता प्राप्त विनिर्देशों की अपेक्षाओं के अनुरूप नहीं है तो संबंधित नियंत्रण एकक का उत्पाद निर्यात के लिए अस्वीकृत कर दिया जाएगा। उक्त नियंत्रण एकक की अस्वीकृति से संबंधित सूचना वेते हुए पृथक अभिलेख रखे जाएंगे।

(viii) यदि, किसी समय उत्पाद की अनुरूपता को इस प्रयोजन के लिए मान्यता प्राप्त विनिर्देशों के अनुरूप बनाए रखने में कोई कठिनाई आती है और/या परीक्षण उपकरण खराब हो जाते हैं और/या किसी भी कारणवश अभिकरण द्वारा ऐसा करने के निर्देश दिए जाते हैं तो नियम 4 के उपनियम (क) के अधीन प्रमाणीकरण निलंबित कर दिया जाएगा और निर्यात के लिए दोहरे ताने वाले पटसन तिरपाल कपड़े और/या दोहरे ताने वाले पटसन तिरपाल थैले और/या दोहरे ताने वाले पटसन कैनवस थैले का नियम 4 के उपनियम (ख) के अनुसार निरीक्षण किया जाएगा। ज्यों ही अभिकरण उसके लिए विनिश्चय करेगा और विनिर्माता को लिखित में सूचना दे दी जाएगी त्यों ही नियम 4 के उपनियम (क) के अधीन प्रमाणीकरण पुनः प्राप्त किया जा सकेगा।

(ix) यदि विनिर्माण एककों द्वारा उपरोक्त क्वालिटी नियंत्रण मापों का प्रयोग करते हुए उत्पाद विनिर्मित किया जाता है तो वह मानक विनिर्देशों में अधिकथित अपेक्षाओं यदि कोई हों, के अनुसार पैक किया जाएगा और उस पर निम्नलिखित सूचनाएं चिह्नित की जाएंगी:—

(क) विनिर्माता का नाम और रजिस्टर्ड व्यापार चिन्ह, यदि कोई हो,

(ख) गांठ या रोल संख्या,

(ग) कुल भार

(घ) शुद्ध मात्रा,

(ङ) उत्पाद का नाम,

(च) मात्रा, तथा

(छ) भारत और आयात देशों में लागू नियमों द्वारा अपेक्षित कोई अन्य सूचनाएं।

(2) परेक्षणानुसार निरीक्षण:—निर्यात के लिए आशयित दोहरे ताने वाले पटसन तिरपाल कपड़े और दोहरे ताने वाले पटसन तिरपाल थैले और दोहरे ताने वाले पटसन कैनवस

कपड़े और दोहरे ताने वाले पटसन कैनवस थैले का निरीक्षण इससे संलग्न अनुसूच. III के अनुसार परेपण में से नमूनों को लेकर किया जाएगा जिससे कि अभिकरण द्वारा यह देखने के विचार से उसका निरीक्षण और परीक्षण किया जा सके कि वह परेपण अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है।

4. निरीक्षण का आधार :—दोहरे ताने वाले पटसन तिरपाल कपड़े और दोहरे ताने वाले पटसन कैनवस कपड़े और दोहरे ताने वाले पटसन कैनवस थैले का निरीक्षण यह देखने के विचार से किया जाएगा कि वे अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों के अनुरूप हैं :—

(1) निर्यात संविदा में स्वीकृत संविदात्मक विनिर्देश परन्तु यह तब जब कि ऐसे विनिर्देश इस आदेश के उपाबंध में निहित विनिर्देशों से कम स्तर के न हों।

(2) राष्ट्रीय मानक, अर्थात् :—

(1) भारतीय मानक,

(2) अन्य राष्ट्रों के मानक,

(3) अन्तर्राष्ट्रीय मानक संगठन द्वारा तैयार मानक,

(4) निर्यात निरीक्षण परिषद् द्वारा अन्य संस्थाओं के स्तर को मान्यता देना; और

(3) इस आदेश के उपाबंध में विहित विनिर्देश

या

(क) यह सुनिश्चित किया जाएगा कि विनिर्माण की प्रक्रिया के दौरान नियम 3 के उपनियम (1) में विनिर्दिष्ट के अनुसार क्वालिटी नियंत्रण परिमाणों का प्रयोग किया गया है;

या

(ख) नियम 3 के उपनियम (2) के अनुसार किए गए परेपणानुसार निरीक्षण के आधार पर;

या

(ग) (क) और (ख) दोनों द्वारा।

5. निरीक्षण की प्रक्रिया—(1) दोहरे ताने वाले पटसन तिरपाल कपड़ों और दोहरे ताने वाले पटसन कैनवस कपड़ों और दोहरे ताने वाले पटसन कैनवस थैलों का निर्यात करने का इच्छुक निर्यातकर्ता या विनिर्माण एकक ऐसा करने के अपने आशय की सूचना लिखित रूप में किसी भी एक अभिकरण को देगा तथा ऐसी सूचना के साथ एक घोषणा भी देगा :—

(क) दोहरे ताने वाले पटसन तिरपाल कपड़ों और दोहरे ताने वाले पटसन तिरपाल थैलों तथा

दोहरे ताने वाले पटसन कैनवस कपड़ों और दोहरे ताने वाले पटसन कैनवस थैलों का परेपण नियम 3 के उपनियम (1) के अधीन विनिर्दिष्ट नियंत्रण के अनुसार क्वालिटी नियंत्रण परिमाणों का प्रयोग करते हुए विनिर्मित किया गया है और परेपण मानक विनिर्देशों के अनुरूप है।

या

(ख) निर्यात संविदा में अनुबंधित विनिर्देशों की सभी तकनीकी विशेषताओं का ब्योरा देगा ताकि अभिकरण नियम 3 के उपनियम (2) के अनुसार निरीक्षण करने में समर्थ हो सके।

(2) निर्यातकर्ता या विनिर्माण एकक अभिकरण को परेपण पर लगाए जाने वाले पहचान चिन्ह भी देगा।

(3) उपनियम (1) के अधीन प्रत्येक सूचना तथा घोषणा विनिर्माता के परिसर से परेपण के भेजे जाने से कम से कम 3 दिन पूर्व अभिकरण के कार्यालय में पहुंचेगी।

(4) (क) उपनियम (1) के अधीन सूचना तथा घोषणा प्राप्त होने पर अभिकरण द्वारा अपना यह समाधान कर लेने पर कि नियम 4 के अधीन दिए गए तथा इस संबंध में परिषद् द्वारा जारी किए गए अनुदेशों, यदि कोई हैं के अनुसार किए गए निरीक्षण के आधार पर कि परेपण इस पर लागू विनिर्देशों के अनुसार विनिर्मित किया गया है अभिकरण यह घोषणा करते हुए कि दोहरे ताने वाले पटसन तिरपाल थैलों तथा दोहरे ताने वाले पटसन कैनवस कपड़ों तथा दोहरे ताने वाले पटसन कैनवस थैलों का परेपण निर्यात योग्य है 72 घंटों के भीतर प्रमाण-पत्र जारी करेगा परन्तु यह और कि जब अभिकरण का ऐसा समाधान नहीं होता है तो 72 घंटों की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र जारी करने से इंकार कर देगा और ऐसे इंकार की सूचना निर्यातकर्ता को उसके कारणों सहित देगा।

(ख) ऐसे परेपण की दशा में, जिसका विनिर्माण नियम 3 के उपनियम (1) में निर्धारित क्वालिटी नियंत्रण का प्रयोग करके नहीं किया गया है तथा निरीक्षण नियम 4 के उपनियम (ख) के उपबंधों के अनुसार किया गया है, अभिकरण निरीक्षण की समाप्ति के पश्चात् स्वीकृत माल के परेपण को एफ ई से चिन्हित कर देगा 'आर० ई० एफ० पी०' अस्वीकृत माल पर लगा देगा। तथापि, उस परेपण की दशा में जिसका विनिर्माण नियम 3 के उपनियम (1) का प्रयोग करते हुए किया गया है और जहां निरीक्षण (4) (क) या (4) (ग) के आधार पर किया गया है वहां विनिर्मित स्वयं ही स्वीकृत पैक माल पर 'ई० एफ० पी०' का तथा अस्वीकृत माल पर 'आर० ई० एफ० पी०' का चिन्ह लगा देगा। विनिर्माता द्वारा ऐसे आवर्तन चिन्हों की घोषणा विवरण सहित अभिकरण को दी जाएगी और ऐसी स्थिति में अभिकरण द्वारा चिपकाया जाएगा।

(5) निर्यातकर्ता या विनिर्माण एकक, जहां कहीं भी आवश्यक हो, नमूना लेने और परीक्षण करने के लिए सभी अपेक्षित सुविधाएं देगा।

6. निरीक्षण का स्थान—दोहरे ताने वाले पटसन तिरपाल कपड़ों और दोहरे ताने वाले पटसन तिरपाल थैलों और दोहरे ताने वाले पटसन कैनवस कपड़ों और दोहरे ताने वाले पटसन कैनवस थैलों का निरीक्षण;

(क) विनिर्माता के परिसर पर,

या

(ख) उन परिसरों पर जहां दोहरे ताने वाले पटसन तिरपाल कपड़े और दोहरे ताने वाले पटसन तिरपाल थैले तथा दोहरे ताने वाले पटसन कैनवस कपड़े और दोहरे ताने वाले पटसन कैनवस थैले निर्यातकर्ता द्वारा निरीक्षण के लिए प्रस्तुत किए गए हैं, किया जाएगा परन्तु यह तब जब कि वहां निरीक्षण और परीक्षण करने के लिए पर्याप्त सुविधाएं विद्यमान हों।

7. निरीक्षण फीस—फीस निम्नलिखित की दर से:—

(1) 11 रुपए प्रति मीट्रिक टन की दर से जब निरीक्षण नियम 4(क) और (ग) के आधार पर किया गया है तथा 22 रुपए प्रति मीट्रिक टन की दर से जब निरीक्षण नियम 4(ख) के आधार पर किया गया है यथास्थिति निर्यातकर्ता या विनिर्माण एकक द्वारा अधिकरण को निरीक्षण फीस के रूप में दी जाएगी।

8. अपील—(i) नियम 5 के उपनियम (4) के अधीन अधिकरण द्वारा प्रमाण-पत्र देने से इनकार किए जाने से व्यथित कोई व्यक्ति ऐसे इंकार की सूचना प्राप्त होने के दस दिन के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए गठित विशेषज्ञों के पैनल को जिसमें कम से कम तीन व्यक्ति होंगे, अपील कर सकेगा।

(ii) विशेषज्ञों के पैनल की गणपूर्ति तीन सदस्यों से होगी।

(iii) ऐसे अपील पर विशेषज्ञों के पैनल का निर्णय अन्तिम होगा।

(iv) विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो-तिहाई सदस्य गैर-सरकारी होंगे।

(v) अपील प्राप्त होने के 15 दिन के भीतर निपटा दी जाएगी।

अनुसूची I

[नियम 3 का उपनियम (1) देखें]

नियंत्रण के स्तर

क्रम सं० परीक्षण/निरीक्षण अपेक्षाएं	निरीक्षण या परीक्षण किए जाने वाले नमूनों की संख्या			लाट आकार आवृत्ति		टिप्पणों	
	कपड़ों या टुकड़ों का	रोलों या थानों का	थैलों का				
1	2	3	4	5	6	7	8
1. सामान्य अपेक्षाएं	प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देश	सभी	सभी	सभी	—	—	
2. सिररे	"	पांच	दो	पांच	प्रति दो घंटे का उत्पादन	कपड़े या टुकड़े तथा थैलों के लिए तथा रोलों या थानों के लिए न्यूनतम 20 प्रति नियंत्रण एकक के अधीन रहते हुए	

1	2	3	4	5	6	7	8
3. किनारे	"	पांच	दो	पांच	यथोक्त	यथोक्त	
4. चौड़ाई	"	पांच	दो	पांच	यथोक्त	यथोक्त	
5. भार	"	पांच	दो	—	—	—	100 थैलों का पुनः प्राप्त आद्रता तथा भार लिया जाएगा और सभी नियंत्रण यूनिटों में बराबर बांटा जाएगा।
6. पुनः प्राप्त आद्रता	"	पांच	दो	—	—	यथोक्त	
7. लम्बाई	"			पांच	यथोक्त	कपड़ों या टुकड़ों तथा थैलों के लिए प्रति नियंत्रण यूनिट न्यूनतम 20 के अधीन और रोलों और थानों के लिए 8 के अधीन रहते हुए।	
8. टूटन भार (जहां कहीं लागू हो)	"	दो	एक	तीन	कपड़े या टुकड़ों तथा रोल या थान के लिए प्रति दो घंटे थैलों के लिए प्रति चार घंटे	कपड़ों या टुकड़ों के लिए न्यूनतम रोलों या थानों के लिए 4 थैलों के लिए 6 के अधीन रहते हुए।	
9. तैलीय अंश	यथोक्त	एक	एक	एक	प्रति चार घंटे का उत्पादन	न्यूनतम 2 के अधीन रहते हुए।	
10. सीवान क्षमता (जहां कहीं लागू हो)	यथोक्त	एक	एक	तीन	वही	न्यूनतम 6 के अधीन रहते हुए।	

*नियंत्रण एकक से अभिप्राय फिनिशिंग विभाग के एक दिन में विनिर्मित एक ही प्रकार तथा क्वालिटी का उत्पादन।

**टुकड़े से अभिप्राय 82 मीटर (या 90 गज) या इससे अधिक लम्बाई वाला लगातार बुना हुआ जूट फैब्रिक है।

***रोल से अभिप्राय बेलनाकार सुदृढ़ पैकेज से है जिसमें उचित किनारे पर लपेटा हुआ एक ही प्रकार का कपड़ा है तथा भली प्रकार सिले बाहरी सतह सहित रोल आवरण से आवृत होगा।

****थान से अभिप्राय 160 मीटर (175 गज) से अधिक लम्बाई वाला टुकड़ा है।

टिप्पणी: यदि उत्पाद अनुसूची में विनिर्दिष्ट नमूनों की न्यूनतम संख्या से कम है तो सारे उत्पादन का निरीक्षण/परीक्षण किया जाएगा।

अनुसूची-II

[नियम 3 का उप-पैरा (2) देखिए]

1. परीक्षणानुसार निरीक्षण के लिए नमूना लेना और निरीक्षण प्रक्रिया :

1.1 संबंधित परीक्षणों के अधीन और लॉट में से गांठों या रोलों और टुकड़ों या रोलों या थैलों की निम्नलिखित न्यूनतम संख्या अनायास रूप से ली जाएगी, (1-4 तथा 1-5)

1.2 कुल भार—कुल भार के लिए कम से कम दो गांठों के अधीन रहते हुए, और रोलों के लिए कम से कम तीन रोलों के अधीन रहते हुए गांठों या रोलों का 10 प्रतिशत अनायास रूप से लिया जाएगा।

1.3 कुल भार से भिन्न अपेक्षाएं—

1.3.1 गांठों के लिए—गांठों के कुल भार से भिन्न अपेक्षाओं की अनुरूपता सुनिश्चित करने के लिए लॉट में से चुनी जाने वाली गांठों की संख्या निम्नलिखित सारणी के अनुसार होगी :

प्रस्तुत किए गए परेषण या लॉट में गांठों की संख्या	निरीक्षण के लिए ली जाने वाली और खोली जाने वाली गांठों की संख्या
10 तक	1
11 से 20 तक	2
21 से 100 तक	3
101 से 150 तक	4
151 से 200 तक	5
201 से 250 तक	6
251 से 300 तक	7
301 से 350 तक	8
351 से 400 तक	9
401 से 500 तक	10
501 और अधिक	10+ (प्रत्येक 100 गांठों या उसके भाग, 500 गांठों से अधिक के लिए—1)

1.3.2 रोलों के लिए—रोलों के कुल भार से भिन्न अपेक्षाओं की अनुरूपता निर्धारित करने के लिए लॉट में से चुने जाने वाले रोलों की संख्या निम्नलिखित सारणी के अनुसार होगी :

परेषण में रोलों की संख्या	निरीक्षण के लिए, लिए जाने वाले तथा खोले जाने वाले रोलों की संख्या
1 से 20 तक	1
21 से 50 तक	2
51 से 100 तक	3
101 से 200 तक	4
201 और ऊपर	4+ (प्रत्येक 100 रोलों या उसके अधिक भाग के लिए—1)

1.4 परीक्षण—ऊपर 1.3.1 तथा 1.3.2 के अनुसार चुने गए गांठों या रोलों में से परीक्षण नमूने निम्नानुसार लिए जाएंगे।

1.4.1 टुकड़ों और रोलों के लिए :

क्रम सं०	परीक्षण	परख नमूने	
		गांठों में से	रोलों में से
1	2	3	4
i.	बड़ा भार (बेलिंग हूप या कौर और सभी पैकिंग सामग्री)	1.3.1 में से चुनी गयी सभी गांठें	1.3.2 में चुने गए सभी रोल
ii.	प्रति गांठ या रोल में फौब्रिक की लम्बाई	अथोक्त	अथोक्त
iii.	प्रति गांठ मध्यम टुकड़ों तथा छोटे टुकड़ों की संख्या	अथोक्त	अथोक्त
iv.	पुनः प्राप्त अवस्था	1.3.1 में चुनी गयी सभी गांठ में से 5 टुकड़े	1.3.2 में चुने गए सभी रोल
v.	भार ग्राम में प्रति वर्ग मीटर	अथोक्त	अथोक्त
vi.	सिरे तथा पिक	अथोक्त	अथोक्त
vii.	चौड़ाई	अथोक्त	अथोक्त

1	2	3	4
viii.	दूटन भार	विभिन्न टुकड़ों में से कम से कम 3 मीटर के अधीन रहते हुए 1.3.1 में चुनी गयी प्रत्येक गांठ में से एक मीटर	विभिन्न रोलों में से कम से कम 3 मीटर के अधीन रहते हुए 1.3.2 में चुने गए प्रत्येक रोल में से एक मीटर
ix.	तैलीय अंश प्रतिशत	यथोक्त	यथोक्त

1.4.2 धैलों के लिए :

क्रम संख्या	परीक्षण	परीक्षण
1. घड़ा भार (बैलिंग हूप और अन्य सभी सामग्री)		1.3.1 में चुनी गयी गांठे
2. प्रति गांठ कुल धैलों की संख्या	}	1.3.1 में चुनी गयी प्रत्येक गांठ में से धैलों के दो बंडल
3. प्रति गांठ संयुक्त धैलों की सं०		1.3.1 में चुनी गयी प्रत्येक गांठ में से न्यूनतम 10 धैलों के अधीन रहते हुए, प्रति गांठ में से धैलों की कुल संख्या का 3 प्रतिशत
4. पुनः प्राप्त आद्रता प्रतिशत	}	1.3.1 में से चुनी गयी प्रत्येक गांठ में से धैलों का 10 प्रतिशत तथा प्रत्येक बंडल में से धैलों की लगभग समान संख्या लेना
5. लम्बाई और चौड़ाई		न्यूनतम 5 धैलों के अधीन रहते हुए 1.3.1 में चुनी गयी प्रत्येक गांठ में से दो धैले
6. सिरें तथा पिक		तीन विभिन्न धैलों में से तीन टुकड़े
7. भार प्रति धैला		
8. कपड़े का दूटन भार, तथा खींचन जहां कहीं लागू हो		
9. तैलीय अंश प्रतिशतता		

टिप्पणी :—जुड़े हुए धैलों को परीक्षण के लिए नहीं चुना जाएगा जैसा कि ऊपर क्रम संख्या (v) से (ix) तक उपदर्शित है।

1.5.1 परीक्षण तथा निरीक्षण प्रक्रिया परीक्षण की पद्धति वैसी ही होगी जैसी कि दोहरे ताने वाले पटसन कैनवास टुकड़े के लिए भा०मा० 10036 (भाग I और II) तथा दोहरे ताने वाले पटसन तारपोलिन टुकड़े या रोलों के लिए भा० मा० 7407 (भाग I से III) 1980 तथा दोनों से बने धैलों के लिए भा०मा० 3790-1971 में दी गयी हैं।

[फाइल सं० 6(26)/79-ई० आई० एण्ड ई० पी०]
सी० बी० कुरेती, संयुक्त निदेशक

S.O. 3270.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Export of Double Warp Jute Tarpaulin Cloth and Bag, and Double Warp Jute Canvas Cloth and Bag (Quality Control and Inspection) Rules, 1983.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires :—

- "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- "Agency" means the Export Inspection Agencies established at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act;
- "Council" means Export Inspection Council established under section 3 of the Act;
- "Double Warp Jute Canvas Bag" means bag made from cloth referred in clause (c);
- "Double Warp Jute Canvas Cloth" means a plain weave cloth made wholly of jute with double warp

and single weft, inter-woven weighing not less than 407 gms. per sq. metre (12 oz. per sq. yard). The number of warp threads (ends) per dm. shall be more than 118 per dm. (30 per inch) and the number of weft threads (picks) per dm. shall not be less than 55 (14 per inch).

(f) "Double Warp Jute Tarpaulin Bag" means bag made from cloth referred to in clause (g);

(g) "Double Warp Jute Tarpaulin Cloth" means plain weave cloth made wholly of jute with double warp and single weft interwoven weighing not more than 18 ounces per sq. yard (610 gms. per sq. metre) having the number of warp threads not more than 30 per inch (118 per dm) and the weft threads not more than 14 per inch (55 per dm.).

3. Quality Control and Inspection.—(1) Quality Control—Quality Control of Double Warp Jute Tarpaulin Cloth and Double warp jute tarpaulin bag, and double warp jute canvas cloth and double warp jute canvas bag, intended for export shall be done with a view to seeing that the same conform to the specification recognised by the Central Government under section 6 of the Act, by effecting the following controls at different stages of manufacture together with the Levels of control as given under Schedule-I.

(i) A laboratory and inspection department shall be maintained by the manufacturing unit, which shall be adequately equipped and staffed to carry out the necessary test and

inspection and to ensure that the products manufactured by the unit conform to the specifications recognised for the purpose.

(ii) Sampling, wherever required, for testing the products, shall be based on a recorded investigation.

(iii) Adequate records in respect of the tests carried out shall be regularly and systematically maintained by the manufacturing unit.

(iv) The product shall be well preserved both during storage and transit.

(v) Gauges and instruments used in the production and inspection and testing shall be periodically checked and calibrated and records to that effect shall be maintained in the form of a history card by the manufacturing unit.

(vi) All products shall have suitable mark of identification so that they could be traced back to the particular control unit to which they belong, for taking corrective action, whenever necessary.

(vii) When the product is manufactured without exercising proper quality control measures and where the tests indicate non-conformity to the requirements of the specification recognised for the purpose, the production of the relevant control unit shall be rejected for export. Separate records shall be maintained giving information relating to the rejection of the said control unit.

(viii) If, at any time, there is any difficulty in maintaining the conformity of the product to the specification recognised for the purpose and/or if the testing equipment goes out of order and/or if directed by the Agency for any reason, the certification under sub-rule (a) of rule 4 shall be suspended and inspection may be carried out as per sub-rule (b) of rule 4 of Double Warp Jute Tarpaulin cloth and/or Double Warp jute Tarpaulin bag and/or Double Warp Jute Canvas cloth and/or Double Warp Jute canvas bag, for export. The certification under sub-rule (a) of Rule 4 shall be resumed as soon as the Agency decides for the same and the manufacturer is communicated in writing.

(ix) The products manufactured by exercising the above quality control measures by the manufacturing units shall be packed according to the requirements, if any, laid down in the standard specification and shall be marked with the following information :—

- (a) Name of the manufacturer and registered trade mark, if any;
- (b) Bale or roll no.;
- (c) Gross weight;
- (d) Nett weight;
- (e) Name of the product ;
- (f) Quantity; and
- (g) Any other information required by the law in force in India and the importing countries.

(2) Consignmentwise Inspection.—Inspection of Double Warp Jute tarpaulin cloth and Double Warp Jute tarpaulin bag and Double Warp Jute canvas cloth and double warp jute canvas bags meant for export shall be done by drawing samples as per Schedule-II annexed hereto from the consignment for carrying out inspection and testing of the same by the Agency with a view to seeing that the consignment conforms to the standard specifications recognised by the Central Government under section 6 of the Act.

4. Basis of Inspection.—Inspection of Double Warp Jute Tarpaulin cloth and Double Warp Jute Tarpaulin bags and Double Warp Jute canvas cloth and Double Warp Jute canvas bags intended for export shall be carried out with a view to seeing that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act as under :—

- (I) the contractual specifications as agreed upon in the Export contract provided that such specifications do not fall below the specifications as set out in the Annexure to the Order.
- (II) National Standards that is to say :—
 - (i) Indian Standards;

(ii) Standards of other countries;

(iii) Standards prepared by International Standards Organization;

(iv) Standards of other bodies recognised by Export Inspection Council; and

(III) the specifications as set out in Annexure to the Order.

either

(a) by ensuring that during the process of manufacturing the quality control measures as specified under sub-rule (1) of rule 3 have been exercised;

or

(b) on the basis of consignmentwise inspection carried out in accordance with the sub-rule (2) of rule 3;

or

(c) by both (a) and (b).

5. Procedure of Inspection.—(1) The exporter or manufacturing unit intending to export Double warp jute tarpaulin cloth and Double warp jute tarpaulin bags and Double warp jute canvas cloth and Double warp jute canvas bags shall give an intimation in writing to any one of the agencies of this intention so to do and submit alongwith such intimation a declaration :—

(a) that the consignment of double warp jute tarpaulin cloth and double warp jute tarpaulin bags and double warp jute canvas cloth and double warp jute canvas bags has been manufactured by exercising quality control measures as per controls referred to under sub-rule (1) of rule 3 and that the consignment conforms to the standard specifications.

or

(b) of the specifications stipulated in the export contract giving details of all the technical characteristics to enable the Agency to carry out inspection in accordance with sub-rule (2) of rule 3.

(2) The exporter or the manufacturing unit shall furnish to the agency the identification marks applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than 3 days prior to the despatch of the consignment from the premises of the exporter or the manufacturer.

(4) (a) on receipt of the intimation and declaration under sub-rule (1) the agency, on satisfying itself, on the basis of the inspection carried out as provided under rule 4, and the instructions if any, issued by the Council in this regard, that the consignment has been manufactured according to the specifications applicable to it, within 72 hours shall issue a certificate declaring the consignment of double warp jute tarpaulin cloth and double warp jute tarpaulin bags, and double warp jute canvas cloth and double warp jute canvas bags as exportworthy; provided that when the agency is not so satisfied it shall within the said period of 72 hours refuse to issue such certificate and communicate such refusal to the exporter alongwith the reasons thereof.

(b) In case of consignment, when it is not manufactured by exercising quality control as stipulated in sub-rule (1) of rule 3 and inspection is carried out in accordance with the provisions of sub-rule (b) of rule 4, after completion of inspection the Agency shall mark the packages of the consignment by affixing a Stamp 'FE' for the passed material and 'REXP' for the rejected material. However, in case of consignment manufactured by exercising (1) of rule 3 and where inspection has been carried out on the basis of 4(a) or 4(c) the packed material shall be stamped 'FE' for the passed material and 'REXP' for the rejected material by the manufacturer themselves. A return shall be submitted by the manufacturer to the Agency giving details of such marking at such periodicity and in such manner as may be fixed by the Agency.

(5) The manufacturing unit or the exporter, wherever necessary shall provide all facilities required for sampling and testing.

6. Place of Inspection.—Inspection of double warp jute tarpaulin cloth and double warp jute tarpaulin bags and double warp jute canvas cloth and double warp jute canvas bags shall be carried out;

(a) at the premises of the manufacturer;

(b) at the premises at which the consignment of double warp jute tarpaulin cloth and double warp jute tarpaulin bags and double warp jute canvas cloth and double warp jute canvas bags is offered for inspection by the exporters, provided adequate facilities for the purpose of inspection and testing exist therein.

7. Inspection fee—A fee at the rate of :—

(i) Rs. 11 per metric tonne, when the inspection is carried out on the basis of rule 4(a) and (c), and (ii) Rs. 22 per metric tonne, when the inspection is carried out on the basis of rule (4b) shall be paid by the ex-

porter or manufacturing unit, as the case may be, to the agency as inspection fee.

(ii) The quorum of the panel of experts shall be three;

(iii) The decision of the Panel of experts on such appeal shall be final;

(iv) At least two thirds of the total membership of the Panel of experts shall consist of non-officials;

(v) The appeal shall be disposed off by the panel of experts within 15 days of its receipt.

8. Appeal—(i) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 5, may within ten days of the receipt of communication of such refusal prefer an appeal to the panel of experts consisting of not less than 3 persons as may be constituted for the purpose by the Central Government.

SCHEDULE—I

[See sub-rule (1) of rule (3)]

LEVELS OF CONTROL

Sl. No.	Test/Inspection Characteristics	Requirements	No. of samples to be inspected/tested for			Lot Size Frequency	Remarks
			Cloth or **Cut	***Rolls or ****Bolts	Bags		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	General requirements	Standard specification recognised for the purpose.	All	All	All	..	..
2.	Ends	Standard specification recognised for the purpose.	Five	Two	Five	Every two hours production	Subject to a minimum 20 per *control unit for cloth or cut & bags & 8 for Rolls or Bolts.
3.	Picks	Standard specification recognised for the purpose.	Five	Two	Five	-do-	-do-
4.	Width	Standard specification recognised for the purpose.	Five	Two	Five	-do-	-do-
5.	Weight	Standard specification recognised for the purpose.	Five	Two	..	..	Weight & moisture regain of 100 bags shall be taken and distributed evenly throughout the control unit.
6.	Moisture Regain	Standard specification recognised for the purpose.	Five	Two	..	..	-do-
7.	Length	Standard specification recognised for the purpose.	..	..	Five	-do-	Subject to a minimum 20 per control unit for cloth or cut and bags and 8 for rolls or bolts.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
8. Breaking load (Whenever applicable)	Standard specification recognised for the purpose.	Two	One	Three	Every two hours for cloth or cut and roll or bolts , every four hours for bags.	Subject to a minimum of 8 for cloth or cuts 4 for rolls or bolts and 6 for bags.	
9. Oil Content	Standard specification recognised for the purpose.	One	One	One	Every four hours production	Subject to a minimum of 2.	
10. Seam strength (wherever applicable)	Standard specification recognised for the purpose.	..	..	Three	-do-	Subject to a minimum of 6.

*Control unit means production of one type and quality manufactured in a single day of the Finishing Department.

**Cut shall mean a length of continuously woven jute fabric measuring 82 metres (or 90 yds) or more.

***Roll shall mean a cylindrical rigid package containing one type of cloth wrapped on suitable core and covered with roll covering with outer layer stitched properly.)

****Bolt shall mean a cut having a length more than 160 metres (175 yds.)

Note : If the production is less than the minimum number of samples specified in the schedule, the entire production is to be inspected/tested.

SCHEDULE—II

[See sub-rule (2) or rule 3]

1. Sampling and inspection procedure for consignmentwise inspection :

1.1 The following minimum number of bales or rolls and cuts or bags thereof shall be taken at random from lot and subjected to correpending tests (see 1.4 and 1.5).

1.2 Gross Weight—for gross weight, 10% of bales or rolls subject to the minimum of two shall be taken at random for bales and subject to the minimum of three shall be taken at random for rolls.

1.3 Requirements other than Gross weight.

1.3.1 For bales—for assessing the conformity to the requirements other than gross weight of bales, the number of bales to be selected from the lot, shall be in accordance with the following table :—

No. of bales in the lot or consignment as offered	No. of bales to be drawn and opened for Inspection
1	2
Up to 10	1
11 to 20	2
21 to 100	3
101 to 150	4
151 to 200	5
201 to 250	6
251 to 300	7
301 to 350	8
351 to 400	9
401 to 500	10
501 and above	10 + (1 for every 100 bales or part thereof above 500 bales).

1.3.2 For Rolls—For assessing the conformity to the requirement other than the Gross weight of the rolls, the number of rolls to be selected from the lot, shall be in accordance with the following tables :

No. of Rolls in the Consignment	No. of Rolls to be drawn & opened for Inspection
1 to 20	1
21 to 50	2
51 to 100	3
101 to 200	4
201 and above.	4+(1 for every 100 rolls or part thereof above 200 rolls)

1.4 TESTS—From the bales or rolls selected as 1.3.1 and 1.3.2 above the test samples shall be drawn as under:

1.4.1 For cuts and rolls

Sl. No.	Tests	Test Samples	
		From Bales	From Rolls
1	2	3	4
(i)	Tare weight (baling hoops or cores and all packing materials).	All the bales selected as in 1.3.1	All the Rolls selected as in 1.3.2
(ii)	Length of fabric per bale or roll.	-do-	-do-
(iii)	Number of medium cuts and short pieces per bale.	-do-	-do-
(iv)	Moisture Regain percent	5 cuts from each bale selected as in 1.3.1	All the Rolls selected as in 1.3.2
(v)	Weight in gram per metre square	-do-	-do-
(vi)	Ends and Picks	-do-	-do-
(vii)	Width	-do-	-do-
(viii)	Breaking load	One metre from each bale selected as in 1.3.1 subject to a minimum of 3 metres from 3 different cuts	One metre from each roll selected as in 1.3.2 subject to a minimum of 3 metres from different rolls.
(ix)	Oil Content%	-do-	-do-

1.4.2 For Bags—

Sl. No.	Tests	Test Samples
1	2	3
(i)	Tare weight (of baling hoops and all other packing materials).	All bales selected as in 1.3.1
(ii)	Total number of bags per bale.	Two bundles of bags from each bale selected as in 1.3.1
(iii)	No. of joined bags per bale.	-do-
(iv)	Moisture Regain percentage	3 percent of the total number of bags per bale subject to a minimum of 10 bags from each bale selected as in 1.3.1.

1	2	3
(v) Length and width		3 per cent of the total number of bags per bale subject to a minimum of 10 bags from each bale selected a in 1.3.1.
(vi) Ends and Picks		-do-
(vii) Weight per bag		10 per cent of the bags from each bale as selected in 1.3.1 and taking approximately equal number of bags from each bundle.
(viii) Breaking load of cloth and seam, wherever applicable.		Two bags from each bale selected as in 1.3.1 subject to a minimum of 5 bags.
(ix) Oil content percentage		Three pieces from three different bags.

NOTE :— Joined bags shall not be selected for the purpose of Test as indicated in Serial No. (V) to (IX) above.

1.5 Testing and Inspection procedure—The method of test shall be same as stipulated in IS: 10036 (Part I and II) 1982 for Double Warp Jute Canvas Cuts or Rolls and IS:7407 (Part I to III)—1980 for Double Warp Jute Tarpaulin Cuts or Rolls and IS: 3790—1971 for the bags made from both.

[F. No. 6(26)/79-EI&EP]

का०आ० 3271—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्नलिखित अभिकरणों को दोहरे ताने वाले पटसन तिरपाल कपड़ों तथा थैलों तथा दोहरे ताने वाले पटसन कैनवास कपड़ों और थैलों का निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण करने के लिए इसके द्वारा मान्यता देती है, अर्थात्—

1. निर्यात निरीक्षण अभिकरण—कलकत्ता वर्ल्ड ट्रेड सेंटर 14/1 बी० एजरा स्ट्रीट (आठवीं मंजिल) कलकत्ता-700001.

2. निर्यात निरीक्षण अभिकरण—मद्रास 213 रोयापेट्टा हाई रोड मद्रास-600014.

3. निर्यात निरीक्षण अभिकरण—कोचीन मनोहर बिल्डिंग महात्मा गांधी रोड एर्नाकुलम कोचीन-682011.

4. निर्यात निरीक्षण अभिकरण—बम्बई अमन चैम्बर्स (चौथी मंजिल) 113 मर्चि कार्वे रोड बम्बई-400004

5. निर्यात निरीक्षण अभिकरण—बिल्सी म्युनिसिपल मार्केट बिल्डिंग, 3 सरस्वती मार्ग करोल बाग नयी दिल्ली-110005.

स्पष्टीकरण—इस अधिसूचना में दोहरे ताने वाले पटसन तारपोलिन कपड़ों तथा थैलों तथा दोहरे ताने वाले पटसन कैन कपड़ों और थैलों से निम्नलिखित अभिप्रेत है :—

(1) दोहरे ताने वाले पटसन कैनवास थैलों से अभिप्रेत मद (2) में उल्लिखित कपड़े से बने थैले हैं;

(2) दोहरे ताने वाले पटसन कैनवास कपड़े से अभिप्रेत पूर्णतया जूट से बना दोहरे ताने तथा एकल बाने से अंतर्ग्रथित एक सादी बुनाई का कपड़ा है जिसका वजन (12 औंस प्रति वर्ग गज) 407 ग्राम प्रतिवर्गमीटर से कम नहीं होना चाहिए और जिसके ताने धागों सिरे की संख्या 30 प्रति इंच (118 प्रति डेसीमीटर) से अधिक नहीं होगी तथा बाने

धागों की संख्या प्रति डेसीमीटर (पिक) (14 प्रति इंच) 55 प्रति डेसीमीटर से कम नहीं होगी।

(3) “दोहरे ताने वाले पटसन तिरपाल थैले” से खंड (छ) में निर्दिष्ट कपड़ों से बना थैला अभिप्रेत है :—

(4) “दोहरे ताने वाले पटसन तिरपाल कपड़े” से पूर्णतया जूट से बना दोहरे ताने तथा एकल बाने से अंतर्ग्रथित एक सादी बुनाई का कपड़ा अभिप्रेत है जिसका वजन 18 औंस प्रति वर्ग गज (610 ग्राम प्रति वर्ग मीटर) से कम नहीं है और जिसके ताने धागों की संख्या 30 प्रति इंच (118 प्रति डेसीमीटर) और बाने धागों की संख्या 14 प्रति इंच (55 प्रति डेसीमीटर) से अधिक नहीं है।

[फाइल सं० 6 (26) 79-ई० आई० एण्ड ई० पी०]

S.O. 3271.—In exercise of the powers conferred by section 7 of the Export (Quality, Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises the following agencies for quality control and inspection of Double Warp Jute Tarpaulin Cloth, Double Warp Jute Tarpaulin bag and Double Warp Jute Canvas Cloth, Double Warp Jute canvas bag prior to its export, namely :—

1. Export Inspection Agency—Calcutta, World Trade Centre, 14/1B, Ezra Street, (7th floor), Calcutta-700001.
2. Export Inspection Agency—Madras, 213, Royapettah High Road, Madras-600014.
3. Export Inspection Agency—Cochin, Manohar Building, Mahatma Gandhi Road, Ernakulam, Cochin-682011.
4. Export Inspection Agency—Bombay, Aman Chambers (4th floor), 113, M. Karve Road, Bombay-400004.
5. Export Inspection Agency—Delhi, Municipal Market Building, 3, Saraswati Marg, Karol Bagh, New Delhi-110005.

Explanation—In this notification double warp jute tarpaulin cloth and bag and double warp jute canvas cloth and bag means :—

- (i) double warp jute canvas bag means bag made from cloth referred to in item (ii);
- (ii) double warp jute canvas cloth means a plain weave cloth made wholly of jute with double warp and single weft, interwoven weighing not less than 407

gms. per sq. metre, (12 oz. per sq. yd.). The number of warp threads (ends.) per dm. shall be more than 118 (30 per inch) and the number of weft threads (picks) per dm. shall not be less than 55 (14 per inch).

(iii) double warp jute tarpaulin bag shall mean bags made from cloth referred to in item (iv);

(iv) Double warp jute tarpaulin cloth means plain weave cloth made wholly of jute with double warp and single weft, interwoven weighing not more than 18 ounces per square yard (610 gm. per sq. metre) having the number of warp threads not more than 30 per inch (118 per dm.) and weft threads not more than 14 per inch (55 per dm.).

[F. No. 6(26)/79-EI & EP]

का०आ०. 3272—केन्द्रीय सरकार दोहरे ताने वाले पटसन तारपोलिन कपड़ा और थैले तथा दोहरे ताने वाला पटसन कैनवास कपड़ा और थैलों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम 1983 के नियम 8 के अनुसरण में, निम्न सारणी के स्तम्भ (2) में उल्लिखित व्यक्तियों को, उसके स्तम्भ (1) की तत्संबंधी प्रविष्टि में निर्दिष्ट निर्यात निरीक्षण अभिकरण के विनिश्चय के विरुद्ध उक्त नियमों के अधीन अपीलों की मुनवाई के लिए विशेषज्ञों के पैनल के रूप में नियुक्त करती है :

परन्तु यह कि जहां उक्त पैनल का कोई भी सदस्य किसी अपील की विषय वस्तु में व्यक्तिगत रूप से हितबद्ध है तो वह उस अपील से संबंधित किसी भी कार्यवाही में भाग नहीं लेगा।

सारणी

प्राधिकर जिसके विनिश्चय विशेषज्ञों के पैनल का गठन करने वाले चय के विरुद्ध अपील की व्यक्ति जिनको अपील की जा सकेगी जा सकेगी

1	2
निर्यात निरीक्षण अभिकरण-कलकत्ता	<p>1. पटसन आयु, 20 अब्दुल हामिद स्ट्रीट, कलकत्ता- 700001 या उसके मनोनीत पदेन —अध्यक्ष</p> <p>2. निदेशक, पटसन तकनीकी अनुसंधान प्रयोगशाला, 12, रीजेंट पार्क, कलकत्ता-20 —पदेन</p> <p>3. निदेशक, भारतीय पटसन उद्योग, अनुसंधान संस्थान, 17, ताराटोला, रोड, कलकत्ता-700087 —पदेन</p> <p>4. प्रतिनिधि, भारतीय जूट मिल संस्थान, रायल एक्सचेंज, 6 नेताजी सुभाष रोड, कलकत्ता-700001 —पदेन</p>

1	2
	<p>5. प्रतिनिधि, भारतीय जूट फैब्रिक शिप्पर संस्थान, 6, नेताजी सुभाष रोड, कलकत्ता-700001. —पदेन</p> <p>6. संयुक्त निदेशक/अपर संयुक्त, निदेशक, निर्यात निरीक्षण अभिकरण, वर्ल्ड ट्रेड सेंटर, 14/1 बी० एजरा स्ट्रीट, कलकत्ता-1. —पदेन</p>

[फाइल सं० 6 (26) 79-ई० आई० एण्ड ई० पी०]

सी० बी० कुकरेती, संयुक्त निदेशक,

S.O. 3272 In pursuance of rule 8 of the Export of Double Warp Jute Tarpaulin Cloth and Bag and Double Warp Jute Canvas Cloth and Bag (Quality Control & Inspection) Rules, 1983, the Central Government hereby appoints the persons mentioned in column (2) of the Table below as the panel of experts for the purpose of hearing appeals under the said rules, against the decision of the Export Inspection Agency mentioned in the corresponding entry in column (1) thereof :

Provided that where a member of any of the said panel is personally interested in the subject matter of any appeal, he shall not take part in the proceeding relating to that appeal.

TABLE

Authority against whose decision appeal lies	Persons constituting the Panel of Experts to which appeal lies
1	2
Export Inspection Agency- Calcutta.	<p>1. Jute Commissioner, 20 Abdul Hamid Sreet, Calcutta-700001 or his nominee Ex-officio — Chair man.</p> <p>2. Director, Jute Technological Research Laboratories, 12, Regent Park, Calcutta- 700040 —Ex-officio</p> <p>3. Director, Indian Jute Industries, Research Association, 17, Tara-tola Road, Calcutta-700087—Ex-officio.</p>

1	2	वाणिज्य विभाग नई दिल्ली, 1 अगस्त 1983
4. Representative, Indian Jute Mills Association Royal Exchange, 6, Netaji Subhas Road, Calcutta-700001-Ex-Officio.		का०आ० 3273.—चाय अधिनियम 1953 (1953 का 29) की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री जगदीश खट्टर आई० ए० एम० को श्री बी० के० गोस्वामी के स्थान पर 23, मई 1983 (पूर्वाह्न) से 2500-125/2-2750 रु० के वेतनमान में आगामी आदेश होने तक अध्यक्ष चाय बोर्ड के पद पर नियुक्त करती है।
5. Representative, calcutta Jute Fabric Shippers Association, 6, Netaji Subash Road, Calcutta-700001—Ex-Officio.		के० शांडिल्य निदेशक [फाइल सं० के-12015 (4)/82-प्लांट क]
6. Joint Director/Additional Joint Director, Export Inspection Agency, World Trade Centre, 14/1B, Ezra Street, Calcutta-1.—Ex-officio.		DEPARTMENT OF COMMERCE New Delhi, the 1st August, 1983 S.O. 3273.—In exercise of the powers conferred by Sub-section (3) of Section 4 of the Tea Act, 1953 (No. 29 of 1953), the Central Government hereby appoints Shri Jagdish Khattar, I.A.S., to the post of Chairman, Tea Board vice Shri B.K. Goswami, with effect from 23rd May, (Forenoon), 1983 in the scale of Rs. 2500-125/2-2750 until further orders.
[F. No. 6(26)/79-EI & EP] C.B. KUKRETI, Jt. Director		[File No. K-12015(4)/82 Plant A] K. SANDILYA, Director

नागरिक पूर्ति मंत्रालय

भारतीय मानक संस्था

नई दिल्ली, 1983-07-27

का०आ० 3274.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन निह्न) विनियम 1955 के विनियम 3 के उपविनियम (2) और (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि नीचे अनुसूची में जिन मानकों के ब्योरे दिए गये हैं, 30 जून, 1980 को निर्धारित किए गए हैं:

अनुसूची

क्रम सं०	निर्धारित भारतीय मानक की पदसंख्या और शीर्षक	नए भारतीय मानक द्वारा रद्द किए गए भारतीय मानक की पदसंख्या और शीर्षक	संक्षिप्त विवरण
(1)	(2)	(3)	(4)
1	IS : 70-1980 रंगरोगन उद्योग के लिए क्यूप्रस आक्साइड की विणिष्टि (पहला पुनरीक्षण)	IS : 70-1950 रंगरोगन उद्योग के लिए क्यूप्रस आक्साइड की विणिष्टि	—
2	IS : 550-1979 तिजोरियों की विणिष्टि (दूसरा पुनरीक्षण)	IS : 550-1967 तिजोरियों की विणिष्टि (पहला पुनरीक्षण)	—
3	IS : 1367 (भाग 1)-1980 इस्पात के चूड़ीदार कीलकों के लिए तकनीकी आपूर्ति शर्तें भाग 1 प्रस्तावना व सामान्य जानकारी (दूसरा पुनरीक्षण)	IS : 1367-1917 चूड़ीदार कीलकों के लिए तकनीकी आपूर्ति शर्तें (पहला पुनरीक्षण)	—
4	IS : 1367 (भाग 10)-1979 इस्पात के चूड़ीदार कीलकों के लिए तकनीकी आपूर्ति शर्तें भाग 10 ढवरियों की सतही डिसकॉनटिन्यूटी (दूसरा पुनरीक्षण)	IS : 1367-1967 चूड़ीदार कीलकों के लिए तकनीकी आपूर्ति शर्तें (पहला पुनरीक्षण)	—

1	2	3	4
5.	IS : 1402-1979 वैमानिकी प्रयोजनों के लिए गुंथी हुई सूती मोटी डोरी की विशिष्टि (पहला पुनरीक्षण)	IS : 1402-1959 वैमानिकी प्रयोजनों के लिए गुंथी हुई सूती मोटी डोरी की विशिष्टि	—
6.	IS : 1448 (भाग 95)-1980 पेट्रोलियम व पेट्रोलियम पदार्थों की परीक्षण विधि भाग 95 स्नेहक तेलों के विपायसीकरण अंक का निर्धारण	—	—
7.	IS : 1451-1979 हाथकरघे पर बनी सूती ड्रिल की विशिष्टि (पहला पुनरीक्षण)	IS : 1451-1959 हाथकरघे पर बनी विरंजित व रंगी सूती ड्रिल की विशिष्टि	1980-02-29 को निर्धारित
8.	IS : 1816-1979 हलकी धातुओं और उनकी मिश्रधातुओं की तनन शक्ति की परीक्षण विधि (पहला पुनरीक्षण)	IS : 1816-1961 हलकी धातुओं और उनकी मिश्र धातुओं की तनन शक्ति की परीक्षण विधि	—
9.	*IS : 1891 (भाग 1)-1978 रबड़ के कनवेयर और रबड़ के पट्टे की विशिष्टि भाग 1 सामान्य प्रयोजन के लिए पट्टे (दूसरा पुनरीक्षण)	IS : 1891 (भाग 1)-1968 रबड़ के कनवेयर और रबड़ के पट्टे की विशिष्टि भाग 1 सामान्य प्रयोजन के लिए पट्टे (पहला पुनरीक्षण)	1979-09-30 को निर्धारित *भा मा संस्था प्रमाणन चिह्न योजना के लिए— IS : 1891 (भाग 1)— 1978- 1980-10-10 से लागू होगा।
10.	IS : 1927-1980 चपटी चालक चेंबों की विशिष्टि (पहला पुनरीक्षण)	IS : 1927-1961 कार्डिंग इंजिन के लिए चपटी चालक चेंबों की विशिष्टि	—
11.	IS : 1960-1979 गेहूं के आटे की डबलरोटी की विशिष्टि (दूसरा पुनरीक्षण)	IS : 1960-1974 गेहूं के आटे की डबलरोटी की विशिष्टि (पहला पुनरीक्षण)	—
12.	*IS : 2074-1979 हवा में सुखने वाला, रेड आक्साइड जस्ता क्रोम तैयार मिश्रित रंगरोगन की विशिष्टि (दूसरा पुनरीक्षण)	IS : 2074-1962 रेड आक्साइड जस्ता क्रोम तैयार मिश्रित रंगरोगन की विशिष्टि	1980-05-31 को निर्धारित किया गया— *भा मा संस्था प्रमाणन अंकन योजना के लिए IS : 2074-1979 1980-10-01 से लागू होगा।
13.	IS : 2405 (भाग 2)-1980 औद्योगिक छलनी की विशिष्टि भाग 2 छिद्रित (पहला पुनरीक्षण)	IS : 2405-1963 औद्योगिक छलनी के लिए तार की जाली व छिद्रित प्लेटों की विशिष्टि	—
14.	*IS : 2556 (भाग 5)-1979 कांचाम चीनी मिट्टी के बने कांचाम सेनीटरी सामान की विशिष्टि, भाग 5 प्रयोगशाला सिक की विशिष्टि अपेक्षाएं (दूसरा पुनरीक्षण)	IS : 2556 (भाग 5)-1967 कांचाम चीनी मिट्टी के बने कांचाम सेनीटरी सामान की विशिष्टि भाग 5 प्रयोगशाला सिक की विशिष्टि अपेक्षाएं	1980-05-31 को किया गया— *भा मा संस्था प्रमाणन अंकन योजना के लिए IS : 2556 (भाग 5)-1979 1980-10-01 से लागू होगा
15.	IS : 2764-1980 खाद के लिए उपयुक्त पोटेशियम सल्फेट की विशिष्टि (पहला पुनरीक्षण)	IS : 2764-1964 खाद के लिए उपयुक्त पोटेशियम सल्फेट की विशिष्टि	—
16.	IS : 2779-1980 खाद के लिए उपयुक्त पोटेशियम क्लोराइड (म्यूरेट आफ पोटाश) की विशिष्टि (पहला पुनरीक्षण)	IS : 2779-1964 खाद के लिए उपयुक्त पोटेशियम क्लोराइड (म्यूरेट आफ पोटाश) की विशिष्टि	—

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17.	IS : 2911 (भाग 1/अनुभाग 1)-1979 पाइल वाली नींव के अभिकल्प व रचना की रीति संहिता भाग 1 कंक्रीट पाइल, अनुभाग 1, ड्रिवेन मोके पर ठली कंक्रीट पाइल (पहला पुनरीक्षण)	IS : 2911 (भाग 1)-1964 पाइल वाली नींव के अभिकल्प व रचना की रीति संहिता भाग 1 कंक्रीट पाइल भार वाली	—
18.	IS : 2911 (भाग I/अनु० II)-1979 पाइल वाली नींव के अभिकल्प व रचना की रीति संहिता भाग 1 कंक्रीट पाइल, अनुभाग 2 सुराख किये हुए मोके पर ठले पाइल	IS : 2911 (भाग 1)-1964 पाइल वाली नींव के अभिकल्प व रचना की रीति संहिता भाग 1 कंक्रीट पाइल भार वाली	—
19.	IS : 2911 (भाग 1/अनु० 3)-1979 पाइल वाली नींव के अभिकल्प व रचना की रीति संहिता भाग 1 कंक्रीट पाइल, अनुभाग 3 ड्रिवेन पूर्व ठले कंक्रीट पाइल (पहला पुनरीक्षण)	—	—
20.	IS : 2911 (भाग 4)-1979 पाइल वाली नींव के अभिकल्प व रचना की रीति संहिता भाग 4 पाइलों पर भार परीक्षण	—	—
21.	IS : 2963-1979 वाश बेसिन व सिंक के लिये तांबामिश्र के अपशिष्ट से बनी फिटिंग का विशिष्टि (पहला पुनरीक्षण)	IS : 2963-1964 वाश बेसिन व सिंक के लिए अलौह अपशिष्ट से बनी फिटिंग की विशिष्टि	1980-04-30 को निर्धारित किया गया
22.	IS : 3005 (भाग 2)-1979 भूरे ढलवां लोहे के इंगट के सांचे, स्टूल और धातुमल लैडिल की विशिष्टि भाग 2 आठटन से ज्यादा भार वाले भूरे ढलवां लोहे के इंगट सांचे (पहला पुनरीक्षण)	IS : 3005-1964 भूरे ढलवा लोहे के इंगट के सांचे, स्टूल और धातुमल लैडिल की विशिष्टि	—
23.	IS : 3255-1979 एंगोस्पास प्रयोजन के लिए रगड़कर चमकाये हुए व रंगे हुए सूती फीते की विशिष्टि (पहला पुनरीक्षण)	IS : 3255-1965 पैराशूट के लिए सूती फीते की विशिष्टि	—
24.	IS : 3347 (भाग 5/अनु० 1)-1979 सामान्य व हल्के दूषित वातावरण में प्रयोग होने वाली पोर्सलेन ट्रांसफार्मर बुशबंदी के माप भाग 5 36 के बी बुशिंग अनुभाग 1 पोर्सलेन के हिस्से (दूसरा पुनरीक्षण)	IS : 3347 (भाग 5 अनु० 1)-1965 पोर्सलेन ट्रांसफार्मर बुशबंदी के माप भाग 5 36 के बी बुशबंदी अनुभाग 1 पोर्सलेन के हिस्से	—
25.	IS : 3449-1979 पैराशूट के लिये सूती बैबिंग की विशिष्टि (पहला पुनरीक्षण)	IS : 3449-1966 आदमी गिराने वाले पैराशूट में प्रयुक्त होने वाली सूती जैतूनी धरे बैबिंग की विशिष्टि	—
26.	IS : 3593-1979 पशु आहार के लिये विलायक निष्कासित चावल की भूसी की विशिष्टि (दूसरा पुनरीक्षण)	IS : 3593-1968 पशु आहार के लिये विलायक निष्कासित चावल की भूसी की विशिष्टि (पहला पुनरीक्षण)	1979-11-30 को निर्धारित किया गया।
27.	IS : 4442-1980 सल्फर वाले रसायन प्रतिरोधी मसाले की उपयोग की रीति संहिता (पहला पुनरीक्षण)	IS : 4442-1967 सल्फर वाले रसायन प्रतिरोधी मसाले की उपयोग की रीति संहिता	—

(1)	(2)	(3)	(4)
28. IS : 4443—1980 रेजिन वाले रसायन प्रति-रोधी मसाले की उपयोग की रीति संहिता (पहला पुनरीक्षण)	IS : 4443—1967 रेजिन वाले रसायन प्रति-रोधी मसाले की उपयोग की रीति संहिता	—	
29. IS : 4555—1980 कृत्रिम अंगों के लिये ड्राफ्टसमैन के बाईप्रोन्ग अंत्य युक्ति की विशिष्टि (पहला पुनरीक्षण)	IS : 4555—1968 कृत्रिम अंगों के लिए व ड्राफ्टसमैन के बाईप्रोन्ग अंत्य युक्ति की विशिष्टि	—	
30. IS : 4586 (भाग 1/अनु० 10)—1978 स्पिंडल चालित इलेक्ट्रानिक पुओं के स्पिंडल व चौखटा चढ़ाने के आयोजनों के माप भाग 1 स्पिंडल, अनुभाग 10 खांचेदार और नर्ल, वाले स्पिंडल (पहला पुनरीक्षण)	IS : 4586—1968 इलेक्ट्रानिक उपकरणों में प्रयुक्त योन्निक फिक्सिंग युक्ति के विवरण व स्पिंडल का माप	—	
31. IS : 5431—1979 चलचित्र सुरक्षा फिल्मों की ज्वलनशीलता अपेक्षाएं (पहला पुनरीक्षण)	IS : 5431—1969 चल चित्र सुरक्षा फिल्मों की परिभाषा	—	
32. IS : 5524—1980 सूती ऊनी मर्दाने जांघियों की विशिष्टि (पहला पुनरीक्षण)	IS : 5524—1969 सूती ऊनी जांघियों की विशिष्टि	—	
33. IS : 5994 (भाग 2)—1979 कृषि ट्रैक्टरों की जांच संहिता भाग 2 प्रयोगशाला व ट्रक परीक्षण (पहला पुनरीक्षण)	IS : 5994—1970 कृषि ट्रैक्टरों की जांच संहिता	—	
34. IS : 6004—1980 सिंचाई व पावर चैनल के लिए तलछट निष्कासन की द्वीय डिजाइन की कसौटी (पहला पुनरीक्षण)	IS : 6004—1971 सिंचाई पावर चैनल के लिये तलछट निष्कासन की द्वीय डिजाइन की कसौटी	—	
35. IS : 6085—1979 35 मिमी चल चित्र फिल्म के परिणाम (पहला पुनरीक्षण)	IS : 6085—1971 35 मिमी चलचित्र फिल्म के माप	—	
36. IS : 7407 (भाग 1 से 3)—1980 जूट के तिर-पाल के कपड़े की विशिष्टि	IS : 7407—74 खाद की बोरी के लिये जूट के कपड़े की विशिष्टि	—	
37. IS : 8872 (भाग 2/अनुभाग 1)—1979 चर प्रतिरोधकों की विशिष्टि भाग 2 सामान्य प्रयोजन अनुभाग 1 टाइप बीआरजीआइसी	—	—	
38. IS : 8886 (भाग 14)—1980 जहाज की साधारण आयातकार खिड़की की विशिष्टि भाग 14 न खुलने वाली हल्की प्रकार की बेल्टकृत के फ्रेम का विवरण	—	—	
39. IS : 8886 (भाग 17)—1980 जहाज की साधारण आयातकार खिड़की की विशिष्टि भाग 17 बाहर की ओर खुलने वाली बगल से कब्जे जड़ी भारी व हल्की प्रकार की बेल्टकृत खिड़की के फ्रेम का विवरण	—	—	
40. IS : 8886 (भाग 21)—1980 जहाज की साधारण आयातकार खिड़की की विशिष्टि भाग 21 कब्जा पिन का विवरण	—	—	
41. IS : 9001 (भाग 5)—1979 पर्यावरण परीक्षण के लिय निर्देशन भाग 5 पक्के निशान व सफाई करने वाले विलायक के प्रति प्रतिरोध	—	—	

(1)	(2)	(3)	(4)
42. IS : 9130—1979 छिड़काव द्वारा सुखाए आलू के खाद्य चूर्ण की विशिष्टि	—	—	—
43. IS : 9199—1979 टपर 6° अन्तर्गत कोण वाले टाइप 3 गावदुम झूड़ी के गैस सिलिंडर वाल्वों की जांच करने के निरीक्षण गज की विशिष्टि	—	—	—
44. IS : 9270—1979 1, 4 डाइइथोक्सी बेंजीन की विशिष्टि	—	—	—
45. IS : 9271—1979 फार्म जल निकास के लिये प्लास्टिक पाइपों की विशिष्टि	—	—	—
46. IS : 9285 (भाग 1) —1979 सुई द्वारा सीधी रीडिंग बताने वाले ऐसी इलैक्ट्रानिक आरएफ मिली वोल्टमीटर की विशिष्टि भाग 1 मापन विधि	—	—	—
47. IS : 9299 (भाग 2)—1979 जोड़े हुए अभ्रक या उपचारित अभ्रक कागज से बनी रोधन सामग्री की विशिष्टि भाग 2 परीक्षण पद्धति	—	—	—
48. IS : 9299 (भाग 3/अनु० 1)—1979 जोड़े हुए अभ्रक या उपचारित अभ्रक कागज से बनी रोधन सामग्री की विशिष्टि भाग 3 अलग अलग सामग्रियों की विशिष्टि अनुभाग 1 कम्प्यूटेटर सेपरेटर्स के लिए ठोस अनम्य अभ्रक सामग्री।	—	—	1980-03-31 को निर्धारित किया गया।
49. IS : 9300(भाग 2)—1979 औद्योगिक उपयोग के लिये सांख्यिकीय मॉडल भाग 2 सतत मॉडल	—	—	—
50. IS : 9338—1979 जल वितरण कार्यों के लिए ढलवां इस्पात के पेंच वाले स्टाप वाल्व और स्टाप और चेक वाल्व की विशिष्टि	—	—	—
51. IS : 9343—1979 फोटोग्राफिक ग्रेड 1 फिनाइल 3 पाइराजोलिडोन की विशिष्टि	—	—	—
52. IS : 9362—1980 व्यूटाक्लोर वानो की विशिष्टि	—	—	1980-05-31 निर्धारित किया गया।
53. IS : 9382—1979 अलकतरा व बिटयुमिनी पदार्थों की परीक्षण पद्धति : पतली परत ओवन परीक्षण द्वारा ताप व वायु का प्रभाव ज्ञात करना।	—	—	—
54. IS : 9383 (भाग 1)—1979 विज्ञापन सूचक ट्यूबों के परिमाण : भाग 1 ट्यूब टाइप	—	—	—
55. IS : 9445—1980 सरफल कीटनाशक दवाइयां पैक करने के लिये एलुमिनियम धारकों (5 लिटर व अधिक क्षमता वाले) की विशिष्टि	—	—	—
56. IS : 9448(भाग 3)—1980 जहाजी गार्डरेल व खम्भों की विशिष्टि भाग 3 स्टार्म रेल (आहूय)	—	—	—

(1)	(2)	(3)	(4)
57.	IS : 9454—1980 द्विकेवल भार वाहक की विशिष्टि	—	—
58.	IS : 9466—1980 औद्योगिक द्रव स्नेहकों का विस-कोसिता वर्गीकरण	—	—
59.	IS : 9468—1980 जहाज निर्माण में प्रयुक्त मृदु इस्पात की रिबेट छड़ बनाने के लिये इस्पात के इंगट और बिलेट की विशिष्टि	—	—
60.	IS : 9479—1980 25°, 45° व 90° कोण कान वाले शियाज नमूने के फनीस्ट्रा टुक की विशिष्टि	—	—

इन भारतीय मानकों की प्रतियां बिज्जी के लिए भारतीय मानक संस्था, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-2 और इसके शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, बम्बई, कलकत्ता, चंडीगढ़, हैदराबाद, जयपुर, कामपुर, मद्रास, पटना व त्रिवेन्द्रम में उपलब्ध हैं।

[सं० सी० एम० डी०/13 : 2]

MINISTRY OF CIVIL SUPPLIES

INDIAN STANDARDS INSTITUTION

New Delhi, the 1983-07-27

S. O. 3274.—In pursuance of sub-rule (2) of Rule 3 and sub-regulations (2) and (3) of regulation 3 of Indian Standards Institution (Certification Marks) Rules and regulations, 1955, The Indian Standards Institution hereby notifies that the Indian Standard (s), particulars of which are given in the Schedule hereto annexed, have been established on 1980-06-30:

SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Remarks, if any
(1)	(2)	(3)	(4)
1.	IS:70—1980 Specification for cuprous oxide for paints (first revision)	IS:70—1950 Specification for cuprous oxide for paints.	—
2.	IS:550—1979 Specification for safes (second revision)	IS:550—1967 Specification for safes (first revision).	—
3.	IS:1367 (Part I)—1980 Technical supply conditions for threaded steel fasteners Part I Introduction and general information (second revision).	IS:1367—1967 Technical supply conditions for threaded fasteners. (first revision)	—
4.	IS:1367 (Part X)—1979 Technical Supply condition for threaded steel fasteners part X Surface discontinuities on nuts (second revision)	IS:1367—1967 Technical supply conditions for threaded fasteners (first revision).	—
5.	IS: 1402—1979 Specification for braided cotton cord for aerospace purposes (first revision).	IS:1402—1959 Specification for braided cotton cord for aeronautical purposes	—
6.	IS:1448 (P:95)—1980 Methods of test for petroleum and its products (P:95) Determination of demulsification number of lubricating oils.	—	—
7.	IS:1451—1979 Specification for handloom cotton drills (first revision)	IS:1451—1959 Specification for handloom cotton drills, bleached or dyed	Established on 1980-02-29

(1)	(2)	(3)	(4)
8. IS:1816—1979 Method for tensile test for light metals and thier alloys (first revision).	IS: 1816—1961 Method for tensile test for light metals and their alloys.		
9. *IS: 1891 (Part I)—1978 Specification for rubber conveyor and elevators belting Part I General purpose belting (second revision)	IS:1891 (Part I)—1968 Specification for rubber conveyor and elevators belting; Part I General purpose belting. (first revision)	Established on 1979-09-30. *For purposes of ISI Certification Marks Scheme; IS:1891 (Part I)— 1978 shall come into force with effect from 1980-10-16	
10. IS:1927—1980 Specification for flat driving chains (first revision).	IS:1927—1961 Specification for flat driving chains for carding engines.	—	
11. IS:1960---1979 Specification for wheatmeal bread (second revision)	IS:1960—1974 Specification for wheat-meal bread (first revision).	—	
12.*IS:2074—1979 Specification for ready mixed paint air drying, red oxide-zinc chrome, priming. (first revision)	IS:2074—1962 Specification for ready mixed paint, red oxide-zinc chrome., priming.	Established on 1980--05-31. *For purposes of ISI Certification Marks Scheme; IS: 2074—1979 shall come into force with effect from 1980-10-01.	
13. IS:2405 (Part II)—1980 Specification for industrial sieves Part II Perforated plates. (first revision)	IS:2405—1963 Specification for wire cloth and perforated plates for industrial sieves.	—	
14. *IS:2556 (Part V)—1979 Specification for Vitreous sanitary appliances (vitreous China) Part V Specific requirment of Laboratory sinks (second revision)	IS:2556 (Part V)—1967 Specification for vitreous sanitary appliances (vitreous china) ; Part V Specific requirements of laboratory sinks.	Established on 1980-05-31. *For purposes of ISI Certification Marks Scheme; IS: 2556 (Part V) 1979 shall come into force w.e.f. 1980-10-01.	
15. IS:2764—1980 Specification for potassium sulphate fertilizer grade. (first revision)	IS:2764—1964 Specification for potassium sulphate, fertilizer grade.	—	
16. IS:2779—1980 Specification for potassium chloride (muriate of potash), fertilizer grade. (first revision).	IS : 2779—1964 Specification for potassium chloride (muriate of potash), fertilizer grade.	—	
17. IS:2911 (Part I Sec. I)—1979 Code of practice for design and construction of pile foundations Part I Concrete piles section I driven <i>cast in situ</i> concrete piles (first revision).	IS : 2911 (Part I)—1964—Code of practice for design and construction of pile foundations: Part : I Load-bearing concrete piles.	—	

(1)	(2)	(3)	(4)
18. IS:2911 (Part I/Sec. II)—1979 Code of practice for design and construction of pile foundations: Part I Concrete piles Section 2 Bored <i>Cast-in-situ</i> piles	IS : 2911 (Part —I)—1964 Code of practice for design and construction of pile foundations : Part I load-bearing concrete piles.	—	—
19. IS:2911 (Part/I Sec. 3)—1979 Code of practice for design and construction of pile foundations: Part I concrete piles Section 3 driven precast concrete piles. (first revision).	-do-	—	—
20. IS:2911 (Part IV)—1979 Code of practice for design and construction of pile foundations : Part IV Load test on piles.	—	—	—
21. IS:2963—1979 Specification for copper alloy waste-fittings for wash basins and sinks. (first revision)	IS : 2963—1964 Specification for non-ferrous waste fittings for wash-basins and sinks.	Established on 1980-04-30	—
22. IS:3005(Part II)—1979 Specification for grey cast iron ingot moulds, stools and slag ladles : Part II grey cast iron ingot moulds of mass more than eight tonnes (first revision).	IS : 3005—1964 Specification for grey cast iron ingot moulds, stools and slag ladles.	—	—
23. IS : 3255—1979 Specification for scoured or dyed cotton tapes for aerospace purposes (first revision)	IS : 3255—1965 Specification for cotton tapes for parachutes	—	—
24. IS : 3347 (Part V/Sec. 1)—1979 Dimensions for porcelain transformer bushings for use in normal and lightly polluted atmospheres Part V 36 kV bushings section 1 porcelain parts (second revision)	IS : 3347 (Part V/Sec. 1)—1965 Dimensions for porcelain transformer bushings; Part V 36 kV bushings; Section 1 porcelain parts.	—	—
25. IS : 3449—1979 Specification for cotton webbing for parachutes (first revision)	IS : 3449—1966 Specification for web, cotton, alive green for man-dropping parachutes	—	—
26. IS : 3593—1979 Specification for solvent-extracted rice bran as livestock feed (second revision)	IS : 3593—1968 Specification for solvent-extracted rice bran as livestock feed (first revision)	Established on 1979-11-30	—
27. IS : 4442—1980 Code of practice for use of sulphur type chemical resistant mortars (first revision)	IS : 4442—1967 Code of practice for use of Sulphur type chemical resistant mortars	—	—
28. IS : 4443—1980 Code of practice for use of resin type chemical resistant mortars (first revision)	IS : 4443—1967 Code of practice for use of resin type chemical resistant mortars	—	—
29. IS : 4555—1980 Specification for bi-prong terminal device, draughtsman, for artificial limbs (first revision)	IS : 4555—1968 Specification for bi-prong terminal device draughtsman, for artificial limbs	—	—
30. IS : 4586 (Part I/Sec. 10)—1978 Dimensions of spindles and mounting arrangements for spindle operated electronic components Part I Spindles Section 10 Slotted and knurled spindle (first revision)	IS : 4586—1968 Dimensions of spindles and details of mechanical fixing devices used in electronic equipment.	—	—

1	2	3	4
31.	IS : 5431—1979 Flammability requirements for motion-picture safety films (first revision)	IS : 5431—1969 Definition of motion-picture safety films	—
32.	IS : 5524—1980 Specification for men's wool-cotton underpants (first revision)	IS : 5524—1969 Specification for wool-cotton underpants	—
33.	IS : 5994 (Part II)—1979 Test code for agricultural tractors Part II Laboratory and tract tests (first revision)	IS : 5994—1970 Test code for agricultural tractors	—
34.	IS : 6004—1980 Criteria for hydraulic design of sediment ejector for irrigation and power channels (first revision)	IS : 6004—1971 Criteria for hydraulic design of sediment ejector for irrigation and power channels	—
35.	IS : 6085—1979 Dimensions for 35mm motion picture film (first revision)	IS : 6085—1971 Dimensions for 35 mm motion picture film	—
36.	IS : 7407 (Parts I to III)—1980 Specification for jute tarpaulin fabric (first revision)	IS : 7407—1974 Specification for jute fabric for fertilizer bag—	—
37.	IS : 8872 (Part II/Sec. 1)—1979 Specification for variable resistors Part II general purpose section 1 type VRGIC	—	—
38.	IS : 8886 (Part XIV)—1980 Specification for ships' ordinary rectangular windows: Part XIV details of frame, non-opening, light type welded windows	—	—
39.	IS : 8886 (Part XVII)—1980 Specification for ships' ordinary rectangular windows Part XVII details of frame, outward opening, side hinged heavy and light type welded windows	—	—
40.	IS : 8886 (Part XXI)—1980 Specification for ships' ordinary rectangular windows Part XXI details of hinge pin	—	—
41.	IS : 9001 (Part V)—1979 Guidance for environmental testing Part V Resistance to cleaning solvents and permanence of markings	—	—
42.	IS : 9130—1979 Specification for edible spray dried potato flour	—	—
43.	IS : 9199—1979 Specification for inspection gauges for checking type 3 taper threads of gas cylinder valves, taper 6° included angle	—	—
44.	IS : 9270—1979 Specification for 1, 4-diethoxy benzene	—	—
45.	IS : 9271—1979 Specification for farm drainage plastic pipes	—	—
46.	IS : 9285 (Part I)—1979 Specification for direct reading pointer indicator type AC electronic RF millivoltmeter Part I Methods of measurements	—	—
47.	IS : 9299 (Part II)—1979 Specification for insulating materials based on builtup mica or treated mica paper Part II Methods of test	—	—

1	2	3	4
48.	IS : 9299 (Part III/Sec. 1)—1979 Specification for insulating materials based on built-up mica or treated mica paper Part III Specification for individual materials Section 1 Rigid mica materials for commutators separators	—	Established on 1980-03-31
49.	IS : 9300 (Part II)—Statistical models for industrial applications: Part II continuous models	—	—
50.	IS : 9338—1979 Specification for cast iron screw-down stop valves and stop and check valves for water works purposes	—	—
51.	IS : 9343—1979 Specification for 1-phenyl-3 pyrazolidone, photographic grade	—	—
52.	IS : 9362—1980 Specification for butachlor granules	—	Established on 1980-05-31
53.	IS : 9382—1979 Methods for testing tar and bituminous materials: Determination of effect of heat and air by thin film oven test	—	—
54.	9383 (Part I)—1979 Dimensions of sign indicator tubes: Part I Tube type 1	—	—
55.	IS : 9445—1980 Specification for aluminium containers for packing of liquid pesticides (Capacity 5 litres and above)	—	—
56.	IS : 9448 (Part III)—1980 Specification for marine guardrails and stanchions Part III storm rails (exterior)	—	—
57.	IS : 9454—1980 Specification for bicable load carriers	—	—
58.	IS : 9466—1980 Viscosity classification for industrial liquid lubricants	—	—
59.	IS : 9468—1980 Specification for steel ingots and billets for production of mild steel rivet bars for shipbuilding	—	—
60.	IS : 9479—1980 Specification for hook, fenestra, 25°, 45° and 90° angle ear, Shea's pattern	—	—

Copies of these Indian Standards are available for sale with the Indian Standards Institution, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and also from its branch offices, at Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Bombay, Calcutta, Chandigarh, Hyderabad, Jaipur, Kanpur, Madras, Patna and Trivandrum.

[No. CMD/13 : 2]

क्रा० आ० 3275.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि जिन 300 खाद्यसंशोधन के व्योरे मांछे अनुसूची में दिए गए हैं, उनका करवरी, 1983 में नवीकरण किया गया है।

अनुसूची

क्रम संख्या	सीएस/एस संख्या	वैध से	वैध तक	भारतीय मानक चिह्निष्ट की पद संख्या
(1)	(2)	(3)	(4)	(5)
1.	0007822	83-02-01	84-01-31	IS : 10 (भाग 2)—1976

(1)	(2)	(3)	(4)	(5)
2.	0014314	83-01-01	83-12-31	IS : 10 (भाग 2)—1976
3.	0020814	83-02-16	84-02-15	IS : 539—1974
4.	0021614	82-12-16	83-12-15	IS : 434 (भाग 1)—1964
5.	0022616	83-01-16	84-01-15	IS : 1221—1971
6.	0025117	83-01-01	83-12-31	IS : 1221—1971
7.	0036627	83-01-01	83-12-31	IS : 916—1975

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
8. 0037629	83-01-16	84-01-15	IS 10 : (भाग 2)— 1976	42. 0262636	83-02-16	84-02-15	IS : 2266—1977		
9. 0042420	83-01-01	83-12-31	IS : 398 (भाग 1)— 1976	43. 0283846	82-12-16	83-12-15	IS : 1786 —1966		
10. 0052322	83-01-01	83-12-31	IS : 10 (भाग 2)— 1976	44. 0318536	83-02-01	84-01-31	IS : 2512—1978		
11. 0083333	83-02-16	84-02-15	IS : 1660 (भाग 1)— 1967 IS : 1660 (भाग 2 & 3)—1972 & IS : 1660 (भाग 4)—1977	45. 0319639	82-12-16	84-08-15	IS : 398 (भाग 2)— 1976		
12. 0088646	82-12-01	83-11-30	IS : 2566—1965	46. 0324632	82-12-16	83-12-15	IS : 3309—1975		
13. 0094641	82-12-01	83-11-30	IS : 2566—1965	47. 0326535	83-01-01	83-12-31	IS : 3145—1965		
14. 0098144	83-01-01	83-12-31	IS : 1040—1978	48. 0326636	83-01-01	83-12-31	IS : 3131—1965		
15. 0098750	83-02-01	84-01-31	IS : 2287—1970	49. 0332530	83-02-16	84-02-15	IS : 10 (भाग 2)— 1976		
16. 0109426	82-12-16	83-12-15	IS : 226—1975	50. 0343131	83-02-01	84-01-31	IS : 5281—1969		
17. 0114924	82-12-16	83-12-15	IS : 694—1977	51. 0352233	83-01-01	83-12-31	IS : 398 (भाग 1)— 1976		
18. 0115219	83-02-01	84-01-31	IS : 2865—1978	52. 0362236	83-01-01	83-12-31	IS : 6914—1978		
19. 0117526	83-01-01	83-12-31	IS : 1827—1961	53. 0363339	82-12-16	83-12-15	IS : 612—1971		
20. 0117627	83-01-01	83-12-31	IS : 1536—1976	54. 0364341	83-01-01	83-12-31	IS : 2148—1968		
21. 0118225	82-12-16	83-12-15	IS : 1554 (भाग 1)—1976	55. 0364543	83-01-01	83-12-31	IS : 2148—1968		
22. 0123723	82-12-16	83-12-15	IS : 692—1973	56. 0364846	83-01-01	83-12-31	IS : 2148—1968		
23. 0128228	82-10-01	83-09-30	IS : 2553—1971	57. 0365040	83-01-01	83-12-31	IS : 2148—1968		
24. 0143325	82-12-16	83-12-15	IS : 1596—1977	58. 0365343	83-01-01	83-01-31	IS : 2925—1975		
25. 0148840	83-02-01	84-01-31	IS : 10 (भाग 4)—1976	59. 0369654	83-02-01	84-01-31	IS : 398 (भाग 2)— 1976		
26. 0151627	83-01-16	84-01-15	IS : 10 (भाग 4)—1976	60. 0370639	83-01-01	83-12-31	IS : 226—1975		
27. 0160628	83-01-16	84-01-15	IS : 10 (भाग 2)—1976	61. 0371944	83-02-16	84-02-15	IS : 398 (भाग 1)— 1976		
28. 0162733	83-02-01	84-01-31	IS : 10 (भाग 2)—1976	62. 0372037	83-02-16	84-02-15	IS : 1786—1966		
29. 0173334	83-01-16	84-01-15	IS : 10 (भाग 2)—1976	63. 0382848	83-01-16	84-01-15	IS : 325—1978		
30. 0188044	83-01-01	83-12-31	IS : 2202 (भाग 1)—1973	64. 0382949	83-01-16	84-01-15	IS : 561—1978		
31. 0188246	83-01-01	83-12-31	IS : 3196—1974	65. 0383042	83-02-01	84-01-31	IS : 562—1972		
32. 0212419	83-01-01	83-12-31	IS : 10 (भाग 4)— 1976	66. 0383244	83-02-01	84-01-31	IS : 565—1975		
33. 0221319	83-01-16	84-01-15	IS : 10 (भाग 4)— 1976	67. 0383345	83-02-01	84-01-31	IS : 632—1978		
34. 0225933	81-08-16	83-08-15	IS : 10 (भाग 3)—1974	68. 0383446	83-02-01	84-01-31	IS : 633—1975		
35. 0247842	82-12-16	83-12-15	IS : 3811—1976	69. 0383648	83-02-01	84-01-31	IS : 1507—1977		
36. 0247943	82-12-16	83-12-15	IS : 4100—1967	70. 0383749	83-02-01	84-01-31	IS : 3903—1975		
37. 0248036	82-12-16	83-12-15	IS : 4449—1976	71. 0394552	83-03-01	84-02-29	IS : 694—1977		
38. 0248137	82-12-16	83-12-15	IS : 4450—1978	72. 0400622	83-01-01	83-12-31	IS : 2509—1973		
39. 0254435	82-12-16	83-12-15	IS : 691—1966	73. 0410928	83-01-01	83-12-31	IS : 2141—1968		
40. 0261836	83-02-01	84-01-31	IS : 562—1978	74. 0413530	83-01-01	83-12-31	IS : 5346—1975		
41. 0261937	83-01-01	83-12-31	IS : 565—1975	75. 0415534	83-02-01	84-01-31	IS : 5346—1975		
				76. 0415736	83-02-01	84-01-31	IS : 7121—1973		
				77. 0416435	83-01-01	83-12-31	IS : 10 (भाग 4)— 1976		
				78. 0418843	82-12-16	83-12-15	IS : 5950—1971		
				79. 0422632	83-01-01	83-12-31	IS : 1538 (भाग 1 से 23)—1976		
				80. 0433435	83-01-01	83-12-31	IS : 561—1978		
				81. 0433536	83-01-01	83-12-31	IS : 564—1975		
				82. 0435338	83-01-01	83-12-31	IS : 2567—1978		
				83. 0443337	83-01-01	83-12-31	IS : 561—1978		
				84. 0459150	82-12-16	83-12-15	IS : 1658—1977		
				85. 0460943	83-01-16	84-01-15	IS : 10001—1981		
				86. 0469153	82-12-16	83-12-15	IS : 1795—1974		
				87. 0471746	82-10-16	83-10-15	IS : 694—1977		

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
88	0476251	82-12-16	83-12-15	IS : 4246—1978	135.	0604840	82-05-01	83-04-30	IS : 1398—1968
89	0484452	82-12-01	83-11-30	IS : 1977—1975	136.	0606642	83-01-16	84-01-15	IS : 7538—1975
90	0484553	82-12-01	83-11-30	IS : 961—1975	137.	0627549	82-12-01	83-11-30	IS : 513—1973
91.	0484654	82-12-01	83-11-30	IS : 1079—1973	138.	0646957	83-02-01	84-01-31	IS : 10 (भाग 2) —1976
92.	0484755	82-12-01	83-11-30	IS : 2002—1962	139.	0648961	82-11-01	83-10-31	IS : 2208—1962
93.	0484856	82-12-01	83-11-30	IS : 2062—1969	140.	0650342	82-12-01	83-11-30	IS : 5986—1970
94.	0484957	82-12-01	83-11-30	IS : 6240—1976	141.	0650948	83-02-01	84-01-31	IS : 1488—1969
95.	0485050	82-12-01	83-11-30	IS : 226—1975	142.	0655049	83-02-01	84-01-31	IS : 8291—1976
96.	0486557	82-12-16	83-12-15	IS : 325—1978	143.	0655251	82-12-01	83-11-30	IS : 4964—1975
97.	0487660	82-12-16	83-12-15	IS : 4964 (भाग 2) —1975	144.	0656758	82-12-16	83-12-15	IS : 4964—1975
98.	0489563	82-12-16	83-12-15	IS : 1161—1979	145.	0656960	82-12-16	83-12-15	IS : 6914—1978
99.	0491348	83-01-01	83-12-31	IS : 2645—1975	146.	0660547	83-01-01	83-12-31	IS : 398 (भाग 1) —1976
100.	0493756	83-01-01	83-12-31	IS : 2802—1964	147.	0662753	83-01-01	83-12-31	IS : 10 (भाग 3) —1974
101.	0494152	83-01-16	84-01-15	IS : 10 (भाग 2) —1976	148.	0662854	83-01-01	83-12-31	IS : 4985—1968
102.	0494556	83-02-01	84-01-31	IS : 1239 (भाग 1) —1979	149.	0663048	83-01-01	83-12-31	IS : 7092 (भाग 1) —1976
103.	0496863	83-01-01	83-12-31	IS : 398 (भाग 2) —1976	150.	0666256	82-02-01	84-01-31	IS : 226—1975
104.	0497057	83-02-01	84-01-31	IS : 5515—1969	151.	0667763	83-02-01	84-02-15	IS : 2465—1969
105.	0496158	82-12-16	83-12-15	IS : 1026—1966	152.	0667965	83-02-01	84-01-31	IS : 2818 (भाग 2) —1971
106.	0500121	83-02-01	84-01-31	IS : 814 (भाग 1 और 2)—1974	153.	0668260	83-01-16	84-01-15	IS : 2566—1965
107.	0504028	83-03-01	84-02-29	IS : 10 (भाग 2) —1976	154.	0668361	83-01-16	84-01-15	IS : 2818 (भाग 2) —1971
108.	0507640	83-01-01	83-12-31	IS : 633—1975	155.	0668462	83-01-16	84-01-15	IS : 3984—1967
109.	0527949	82-12-16	83-12-15	IS : 2148—1968	156.	0668563	83-01-16	84-01-15	IS : 7407 (भाग 2) —1980
110.	0563246	82-12-01	83-11-30	IS : 3747—1966	157.	0670247	83-02-01	84-01-31	IS : 5086—1969
111.	0564046	82-12-01	83-11-30	IS : 325—1978	158.	0671249	83-02-01	84-01-31	IS : 366—1976
112.	0565957	92-11-16	83-11-15	IS : 171—1973	159.	0672756	83-01-01	83-12-31	IS : 8489—1977
113.	0568155	82-12-16	83-12-15	IS : 4989—1974	160.	0672857	83-01-01	83-12-31	IS : 8487—1977
114.	0569460	82-12-01	83-11-30	IS : 3903—1975	161.	0673960	83-02-16	84-02-15	IS : 2879—1975
115.	0569561	82-12-01	83-11-30	IS : 171—1973	162.	0674255	83-02-16	84-02-15	IS : 366—1
116.	0570546	82-12-01	83-11-30	IS : 4588—1977	163.	0695263	82-04-16	83-04-15	IS : 5531 (भाग 3)—1977
117.	0570647	82-12-01	83-11-30	IS : 5430—1969	164.	0712035	83-01-01	83-12-31	IS : 7092 —1976
118.	0573855	83-01-01	83-12-31	IS : 7122—1973	165.	0715142	82-12-01	83-11-30	IS : 2567—1978
119.	0575051	83-01-01	83-12-31	IS : 2567—1978	166.	0715344	83-02-01	84-01-31	IS : 121—51973
120.	0575152	83-01-01	83-12-31	IS : 4323—1967	167.	0717045	82-09-01	83-08-31	IS : 10 (भाग 4) —1976
121.	0575960	83-01-01	83-12-31	IS : 398 (भाग 2) —1976	168.	0722846	82-10-01	83-09-30	IS : 1786—1966
122.	0578663	83-01-16	84-01-15	IS : 226—1975	169.	0727957	82-11-01	83-10-31	IS : 3236—1965
123.	0579766	83-01-16	84-01-15	IS : 1011—1968	170.	0737152	82-12-01	83-11-30	IS : 1239 (भाग 1) —1979
124.	0579968	83-01-16	84-01-15	IS : 612—1971	171.	0738053	82-12-16	83-12-15	IS : 633—1975
125.	0581753	83-02-01	84-01-31	IS : 1989 (भाग 1) —1978	172.	0738255	83-02-01	84-06-30	IS : 2878—1976
126.	0582755	83-01-16	84-01-15	IS : 2580—1965	173.	0739358	83-02-01	84-06-30	IS : 933—1976
127.	0583858	83-02-01	84-01-31	IS : 5346—1975	174.	0740343	82-12-16	83-12-15	IS : 4964—1975
128.	0585862	83-02-16	84-02-15	IS : 261—1966	175.	0741143	82-12-16	83-12-15	IS : 10 (भाग 4) —1976
129.	0585963	83-02-16	84-02-15	IS : 5996—1970	176.	0742246	83-02-01	84-06-30	IS : 940—1976
130.	0593053	83-02-01	84-01-31	IS : 1165—1975					
131.	0594156	83-03-01	84-02-29	IS : 1475—1978					
132.	0595663	82-12-16	83-12-15	IS : 2593—1964					
133.	0597263	83-01-16	84-01-15	IS : 9079—1979					
134.	0599368	82-12-16	83-12-15	IS : 4288—1967					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
177. 0742650	83-02-01	84-04-30	IS : 2171—1976		223. 0920446	82-12-16	83-12-15	IS : 564—1975	
178. 0743147	83-01-01	83-12-31	IS : 4964—1975		224. 0920547	82-12-16	83-12-15	IS : 562—1978	
179. 0745050	83-02-01	84-06-30	IS : 934—1976		225. 0920850	82-12-16	83-12-15	IS : 3447—1965	
180. 0745151	83-02-01	84-06-30	IS : 2171—1976		226. 0921953	82-12-16	83-12-15	IS : 1786—1966	
181. 0745252	83-01-16	84-01-15	IS : 4654—1974		227. 0922046	82-12-16	83-12-15	IS : 1786—1966	
182. 0749563	83-02-01	84-01-31	IS : 7406 (भाग 2) —1974		228. 0922147	82-12-16	83-12-15	IS : 3575—1977	
183. 0751651	83-02-16	84-02-15	IS : 6914—1978		229. 0922450	82-12-16	83-12-15	IS : 4536 (भाग 1) —1968	
184. 0751752	83-02-16	84-02-15	IS : 6915—1978		230. 0922551	82-12-16	83-12-15	IS : 4964—1975	
185. 0772255	83-02-01	84-01-31	IS : 4159—1976		231. 0922854	83-01-01	83-12-31	IS : 4964—1975	
186. 0772356	83-02-01	84-01-31	IS : 368—1977		232. 0925658	82-01-01	83-12-31	IS : 226—1975	
187. 0792160	82-08-16	83-08-15	IS : 1038—1975		233. 0925860	83-01-01	83-12-31	IS : 3389—1965	
188. 0803139	82-10-16	83-10-15	IS : 7406 (भाग 1) —1974		234. 0930247	83-01-16	84-01-15	IS : 694—1977	
189. 0804545	82-10-16	83-10-15	IS : 3976—1975		235. 0931552	83-01-01	84-01-31	IS : 7406 (भाग 2) —1974	
190. 0811542	82-11-16	83-11-15	IS : 4964—1975		236. 0931754	83-02-01	84-01-31	IS : 7406 (भाग 2) —1974	
191. 0816148	82-12-01	83-11-30	IS : 1785 (भाग 2) —1967		237. 0932554	83-02-01	84-01-31	IS : 4497—1977	
192. 0816653	82-12-01	83-11-30	IS : 2208—1962		238. 0933657	83-02-01	84-01-31	IS : 1011—1981	
193. 0819861	82-12-16	83-12-31	IS : 7122—1973		239. 0935358	83-02-16	84-02-15	IS : 3854—1966	
194. 0820139	82-12-16	83-12-15	IS : 4964—1975		240. 0935762	83-02-16	84-02-15	IS : 2834—1964	
195. 0822345	83-01-01	83-12-31	IS : 3959—1978		241. 0937766	83-02-01	84-01-31	IS : 694—1977	
196. 0822446	83-01-01	83-12-31	IS : 814 (भाग 1) —1974		242. 0938869	83-02-16	84-02-15	IS : 1223 (भाग 1) —1970	
197. 0823448	83-01-01	83-12-31	IS : 1008—1971		243. 0938970	83-02-16	84-02-15	IS : 8249—1976	
198. 0824450	82-12-01	83-11-30	IS : 2874—1964		244. 0940250	83-02-16	84-02-15	IS : 7285—1975	
199. 0824551	83-01-01	83-12-31	IS : 325—1978		245. 0940351	83-02-16	84-02-15	IS : 562—1978	
200. 0824652	83-01-01	83-12-31	IS : 10 (भाग 2)— 1976		246. 0942052	83-02-16	84-02-15	IS : 432 (भाग 2) —1966	
201. 0826050	83-01-01	83-12-31	IS : 1422—1977		247. 0943559	83-02-16	84-02-15	IS : 1596—1977	
202. 0827254	83-01-01	83-12-31	IS : 3959—1978		248. 0943761	83-03-01	84-02-29	IS : 9079—1979	
203. 0827355	83-01-01	83-12-31	IS : 3959—1978		249. 0981365	82-08-01	83-07-31	IS : 7406 (भाग 2) —1974	
204. 0827557	83-01-01	83-12-31	IS : 285—1974		250. 0983167	82-08-01	83-07-31	IS : 6750—1972	
205. 0827961	83-01-16	84-01-15	IS : 8019—1976		251. 0989785	82-09-01	83-08-31	IS : 2548—1967	
206. 0829763	82-12-01	83-11-30	IS : 1943—1964		252. 1004720	82-11-16	83-11-15	IS : 1489—1976	
207. 0830445	83-01-16	84-01-15	IS : 10 (भाग 2)— 1976		253. 1004922	82-11-16	83-11-15	IS : 694—1977	
208. 0831144	83-01-16	84-01-15	IS : 2148—1968		254. 1006522	82-11-16	83-11-15	IS : 285—1974	
209. 0833552	83-02-01	84-01-31	IS : 1554 (भाग 1) —1976		255. 1007221	82-11-16	83-11-15	IS : 226—1975	
210. 0833754	83-02-01	84-01-31	IS : 694—1977		256. 1007322	82-11-16	83-11-15	IS : 1786—1966	
211. 0834857	83-02-01	84-01-31	IS : 1943—1964		257. 1007827	82-11-16	83-11-15	IS : 2713—1969	
212. 0835354	83-02-01	84-01-31	IS : 1786—1966		258. 1012113	82-12-16	83-12-15	IS : 2509—1973	
213. 0836861	83-03-01	84-02-29	IS : 1601—1960		259. 1012820	82-12-16	83-12-15	IS : 1488—1969	
214. 0840852	83-01-16	84-01-15	IS : 1943—1964		260. 1014319	82-12-16	83-12-15	IS : 1135—1973	
215. 0840953	83-01-16	84-01-15	IS : 2874—1964		261. 1014622	82-12-16	83-12-15	IS : 4964—1975	
216. 0869674	82-05-16	83-05-15	IS : 1161—1979		262. 1015119	82-12-16	83-12-15	IS : 9301—1979	
217. 0874465	82-07-01	93-06-30	IS : 10 (भाग 4)— 1976		263. 1015321	82-12-16	83-12-15	IS : 7466—1974	
218. 0899380	82-12-16	83-12-15	IS : 4964—1975		264. 1015422	82-12-16	83-12-15	IS : 834—1975	
219. 0915049	82-12-01	83-11-30	IS : 1161—1979		265. 1015725	82-12-16	83-12-15	IS : 2026 (भाग 1) —1977	
220. 0916354	82-12-01	83-11-30	IS : 4250—1967		266. 1017022	82-12-16	83-12-15	IS : 1547—1968	
221. 0918055	82-12-16	83-11-15	IS : 633—1975		267. 1017628	82-12-16	83-12-15	IS : 1977—1975	
222. 0919057	82-12-16	83-11-15	IS : 4964—1975		268. 1018024	82-12-16	83-12-15	IS : 834—1975	

(1)	(2)	(3)	(4)	(5)
269.	1018832	82-12-16	83-12-15	IS : 5346—1975
270.	1019531	83-01-01	83-12-31	IS : 2548—1967
271.	1020011	83-01-01	83-12-31	IS : 398 (Part II) —1976
272.	1021114	83-01-01	83-12-31	IS : 303—1975
273.	1021619	83-01-01	83-12-31	IS : 398 (Part I) —1976
274.	1021922	83-01-01	83-12-31	IS : 1011—1968
275.	1022116	83-01-01	83-12-31	IS : 171—1973
276.	1023219	83-01-16	84-01-15	IS : 774—1971
277.	1024625	83-01-16	84-01-15	IS : 2594—1977
278.	1025425	83-01-16	84-01-15	IS : 398 (Part I) —1976
279.	1025526	83-01-16	84-01-15	IS : 9182 (Part III)—1979
280.	1025627	83-01-16	84-01-15	IS : 7098 (Part I & II)—1977
281.	1027934	83-02-01	84-01-31	IS : 2148—1968
282.	1028734	83-02-16	84-02-15	IS : 1977—1975
283.	1028835	83-02-01	84-01-31	IS : 1786—1966
284.	1028936	83-02-16	84-02-15	IS : 226—1975
285.	1029029	83-02-16	84-02-15	IS : 1786—1966
286.	1029534	83-02-16	84-02-15	IS : 574—1975
287.	1030923	83-01-16	84-01-15	IS : 7406 (Part II)—1974
288.	1031016	83-02-16	84-02-15	IS : 1943—1964
289.	1031117	83-02-16	84-02-15	IS : 4324—1980
290.	1031319	83-02-16	84-02-15	IS : 9356—1980
291.	1032321	83-02-16	84-02-15	IS : 4654—1974
292.	1032826	83-02-16	84-02-15	IS : 5346—1975
293.	1033323	83-02-16	84-02-15	IS : 8737 (Part II)—1978
294.	1033424	83-02-16	84-02-15	IS : 133—1975
295.	1034022	83-02-01	84-01-31	IS : 4246—1978
296.	1034931	83-02-16	84-02-15	IS : 1978—1971
297.	1035731	83-02-16	84-02-15	IS : 4517—1967
298.	1037129	83-02-16	84-02-15	IS : 6914—1978
299.	1038636	83-03-01	84-02-29	IS : 2374—1973
300.	1038737	83-01-16	84-01-15	IS : 398 (Part II) —1976

[सं० सीएमसी/13 : 12]

ए० पी० बनर्जी, अपर महानिदेशक

S.O. 3275.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations 1955, as amended from time to time, the Indian Standard Institution, hereby, notifies that 300 licences, particulars of which are given in the following Schedule, have been renewed during the month of February 1983 ;

SCHEDULE				
Sl. No.	CM/L No.	Valid		Indian Standard Specification No.
		From	To	
(1)	(2)	(3)	(4)	(5)
1.	0007822	83-02-01	84-01-31	IS : 10 (Part II)—1976
2.	0014314	83-01-01	83-12-31	IS : 10 (Part II)—1976
3.	0020814	83-02-16	84-02-15	IS : 539—1974
4.	0021614	82-12-16	83-12-15	IS : 434 (Part I)—1964
5.	0022616	83-01-16	84-01-15	IS : 1221—1971
6.	0025117	83-01-01	83-12-31	IS : 1221—1971
7.	0036627	83-01-01	83-12-31	IS : 916—1975
8.	0037629	83-01-16	84-01-15	IS : 10 (Part II) —1976
9.	0042420	83-01-01	83-12-31	IS : 398 (Part I)—1976
10.	0052322	83-01-01	83-12-31	IS : 10 (Part II)—1976
11.	0083333	83-02-16	84-02-15	IS : 1660 (Part I)—1967 IS : 1660 (Part II & III)—1972 & IS : 1660 (Part IV)—1977
12.	0088646	82-12-01	83-11-30	IS : 2566—1965
13.	0094641	92-12-01	83-11-30	IS : 2566—1965
14.	0098144	83-01-01	83-12-31	IS : 1040—1978
15.	0098750	83-02-01	84-01-31	IS : 2287—1970
16.	0109426	82-12-16	83-12-15	IS : 226—1975
17.	0114924	82-12-16	83-12-15	IS : 694—1977
18.	0115219	83-02-01	84-01-31	IS : 2865—1978
19.	0117526	83-01-01	83-12-31	IS : 1827—1961
20.	0117627	83-01-01	83-12-31	IS : 1536—1976
21.	0118225	82-12-16	83-12-15	IS : 1554 (Part I)—1976
22.	0123723	82-12-16	83-12-15	IS : 692—1973
23.	0128228	82-10-10	83-09-30	IS : 2553—1971
24.	0143325	82-12-16	83-12-15	IS : 1596—1977
25.	0148840	83-02-01	04-01-31	IS : 10 (Part IV)—1976
26.	0151627	83-01-16	84-01-15	IS : 10 (Part IV)—1976
27.	0160628	82-01-16	84-01-15	IS : 10 (Part II)—1976
28.	0162733	83-02-01	84-01-31	IS : 10 (Part II)—1976
29.	0173334	83-01-16	84-01-15	IS : 10 (Part II)—1976
30.	0188044	83-01-01	83-12-31	IS : 2202 (Part I)—1973

1	2	3	4	5	1	2	3	4	5
31. 0188246	83-01-01	83-12-31	IS : 3196—1974		77. 0416435	83-01-01	83-12-31	IS : 10 (Part	
32. 0212419	83-01-01	83-12-31	IS : 10 (Part					IV)—1976	
33. 0221319	83-01-16	84-01-15	IS : 10 (Part		78. 0418843	82-12-16	83-12-15	IS : 5950—1971	
			IV)—1976		79. 0422632	83-01-01	83-12-31	IS : 1538 (Parts	
34. 0225933	81-08-16	83-08-15	IS : 10 (Part					I to XXIII)—	
			III)—1974		80. 0433435	83-01-01	83-12-31	1976	
35. 0247842	82-12-16	83-12-15	IS : 3811—1976		81. 0433536	83-01-01	83-12-31	IS : 561—1978	
36. 0247943	82-12-16	83-12-15	IS : 4100—1967		82. 0435338	83-01-01	83-12-31	IS : 564—1975	
37. 0248036	82-12-16	83-12-15	IS : 4449—1976		83. 0443337	83-01-01	83-12-31	IS : 256—1978	
38. 0248137	82-12-16	83-12-15	IS : 4450—1978		84. 0459150	82-12-16	83-12-15	IS : 561—1978	
39. 0254435	82-12-16	83-12-15	IS : 691—1966		85. 0460943	83-01-16	84-01-15	IS : 1658—1977	
40. 0261836	83-02-10	84-01-31	IS : 562—1978		86. 0469153	82-12-16	83-12-15	IS : 10001—1981	
41. 0261937	83-01-01	83-12-31	IS : 565—1975		87. 0471746	82-12-16	83-10-15	IS : 1795—1974	
42. 0262636	83-02-16	84-02-15	IS : 2266—1977		88. 0476251	82-10-16	83-10-15	IS : 694—1977	
43. 0283846	82-12-16	83-12-15	IS : 1786—1966		89. 0476251	82-12-16	83-12-15	IS : 4246—1978	
44. 0318536	83-02-01	84-01-31	IS : 2512—1978		90. 0484452	82-12-01	83-11-30	IS : 1977—1975	
45. 0319639	82-12-16	84-08-15	IS : 398 (Part		91. 0484553	82-12-01	83-11-30	IS : 961—1975	
			II)—1976		92. 0484654	82-12-01	83-11-30	IS : 1079—1973	
46. 0324632	82-12-16	83-12-15	IS : 3309—1975		93. 0484755	82-12-01	83-11-30	IS : 2002—1962	
47. 0326535	83-01-01	83-12-31	IS : 3145—1965		94. 0484856	82-12-01	83-11-30	IS : 2062—1969	
48. 0326636	83-01-01	83-12-31	IS : 3131—1965		95. 0484957	82-12-01	83-11-30	IS : 6240—1976	
49. 0332530	83-02-16	84-02-15	IS : (Part II)—		96. 0485050	82-12-01	83-11-30	IS : 226—1975	
			1976		97. 0486557	82-12-16	83-12-15	IS : 325—1978	
50. 0343131	83-02-01	84-01-31	IS : 5281—1969		98. 0487660	82-12-16	83-12-15	IS : 4964 (Part	
51. 0352233	83-01-01	83-12-31	IS : 398 (Part					II)—1975	
			I)—1976		99. 0489563	82-12-16	83-12-15	IS : 1161—1979	
52. 0362236	83-01-01	83-12-31	IS : 6914—1978		100. 0491348	83-01-01	83-12-31	IS : 2645—1975	
53. 0363339	82-12-16	83-12-15	IS : 612—1971		101. 0493756	83-01-01	83-12-31	IS : 2802—1964	
54. 0364341	83-01-01	83-12-31	IS : 2148—1968		102. 0494152	83-01-16	84-01-15	IS : 10 (Part	
55. 0364543	83-01-01	83-12-31	IS : 2148—1968					II)—1976	
56. 0364846	83-01-01	83-12-31	IS : 2148—1968		103. 0494556	83-02-01	84-01-31	IS : 1239 (Part	
57. 0365040	83-01-01	83-12-31	IS : 2148—1968					I)—1979	
58. 0365343	83-01-01	83-12-31	IS : 2925—1975		104. 0496863	83-01-01	83-12-31	IS : 398 (Part II)	
59. 0369654	83-02-01	84-01-31	IS : 398 (Part					—1976	
			II)—1976		105. 0497057	83-02-01	84-01-31	IS : 5515—1969	
60. 0370639	83-01-01	83-12-31	IS : 226—1975		106. 0497158	82-12-16	83-12-15	IS : 1026—1966	
61. 0371944	83-02-16	84-02-15	IS : 398 (Part		107. 0500121	83-02-01	84-01-31	IS : 814 (Part	
			I)—1976					I & II)—1974	
62. 0372037	83-02-16	84-02-15	IS : 1786—1966		108. 0504028	83-03-01	84-02-29	IS : 10 (Part II)	
63. 0382848	83-01-16	84-01-15	IS : 325—1978					—1976	
64. 0382949	83-01-16	84-01-15	IS : 561—1978		109. 0507640	83-01-01	83-12-31	IS : 633—1975	
65. 0383042	83-02-01	84-01-31	IS : 562—1972		110. 0527949	82-12-16	83-12-15	IS : 2148—1968	
66. 0383244	83-02-01	84-01-31	IS : 565—1975		111. 0563246	82-12-01	83-11-30	IS : 3747—1966	
67. 0383345	83-02-01	84-01-31	IS : 632—1978		112. 0564046	82-12-01	83-11-30	IS : 325—1978	
68. 0383446	83-02-01	84-01-31	IS : 633—1975		113. 0565957	82-11-16	83-11-15	IS : 171—1973	
69. 0383648	83-02-01	84-01-31	IS : 1507—1977		114. 0568155	82-12-16	83-12-15	IS : 4989—1974	
70. 0383749	83-02-01	84-01-31	IS : 3903—1975		115. 0569460	82-12-01	83-11-30	IS : 3903—1975	
71. 0394552	83-03-01	84-02-29	IS : 694—1977		116. 0569561	82-12-01	83-11-30	IS : 171—1973	
72. 0400622	83-01-01	83-12-31	IS : 2509—1973		117. 0570546	82-12-01	83-11-30	IS : 4588—1977	
73. 0410928	83-01-01	83-12-31	IS : 2141—1968		118. 0570647	82-12-01	83-11-30	IS : 5430—1969	
74. 0413530	83-01-01	83-12-31	IS : 5346—1975		119. 0573855	83-01-01	83-12-31	IS : 7122—1973	
75. 0415534	83-02-01	84-01-31	IS : 5346—1975		120. 0575051	83-01-01	83-12-31	IS : 2567—1978	
76. 0415736	83-02-01	84-01-31	IS : 7121—1973		121. 0575152	83-01-01	83-12-31	IS : 4323—1967	
					121. 0575960	83-01-01	83-12-31	IS : 398 (Part	
								II)—1976	

1	2	3	4	5	1	2	3	4	5
122. 0578663	83-01-16	84-01-15	IS : 226—1975						
123. 0579766	83-01-16	84-01-15	IS : 1011—1968						
124. 0579968	83-01-16	84-01-15	IS : 612—1971		166. 0715344	83-02-01	84-01-31	IS : 1251—1973	
125. 0581753	83-02-01	84-01-31	IS : 1989 (Part-I)—1978		167. 0717045	82-09-01	83-08-31	IS : 10 (Part IV)—1976	
126. 0582755	83-01-16	84-01-15	IS : 2580—1965		168. 0722846	82-10-01	83-03-30	IS : 1786—1966	
127. 0583858	83-02-01	84-01-31	IS : 5346—1975		169. 0727957	82-11-01	83-10-31	IS : 3236—1965	
128. 0585862	83-02-16	84-02-15	IS : 261—1966		170. 0737152	82-12-01	83-11-30	IS : 1239 (Part I)—1979	
129. 0585963	83-02-16	84-02-15	IS : 5996—1970		171. 0738053	82-12-16	83-12-15	IS : 633—1975	
130. 0593053	83-02-01	84-01-31	IS : 1165—1975		172. 0738255	83-02-01	84-06-30	IS : 2878—1976	
131. 0594156	83-03-01	84-02-29	IS : 1475—1978		173. 0739358	83-02-01	84-06-30	IS : 933—1976	
132. 0595663	82-12-16	83-12-15	IS : 2593—1964		174. 0740343	82-12-16	83-12-15	IS : 4964—1975	
133. 0957263	83-01-16	84-01-15	IS : 9079—1979		175. 0741143	82-12-16	83-12-15	IS : 10 (Part IV)—1976	
134. 0599368	82-12-16	83-12-15	IS : 4288—1967		176. 0742246	83-02-01	84-06-30	IS : 940—1976	
135. 0604840	82-05-01	83-04-30	IS : 1398—1968		177. 0742650	83-02-01	84-04-30	IS : 2171—1976	
136. 0606642	83-01-16	84-01-15	IS : 7538—1975		178. 0743147	83-01-01	83-12-31	IS : 4964—1975	
137. 0627549	82-12-01	83-11-30	IS : 513—1973		179. 0745050	83-02-01	84-06-30	IS : 934—1976	
138. 0646957	83-02-01	84-01-31	IS : 10 (Part II)—1976		180. 0745151	83-02-01	84-06-30	IS : 2171—1976	
139. 0648961	82-11-01	83-10-31	IS : 2208—1962		181. 0745252	83-01-16	84-01-15	IS : 4654—1974	
140. 0650342	82-12-01	83-11-30	IS : 5986—1970		182. 0749563	83-02-01	84-01-31	IS : 7406 (Part II)—1974	
141. 0650948	83-02-01	84-01-31	IS : 1488—1969		183. 0751651	83-02-16	84-02-15	IS : 6914—1978	
142. 0655049	83-02-01	84-01-31	IS : 8291—1976		184. 0751752	83-02-16	84-02-15	IS : 6915—1978	
143. 0655251	82-12-01	83-11-30	IS : 4964—1975		185. 0772255	83-02-01	84-01-31	IS : 4159—1976	
144. 0656758	82-12-16	83-12-15	IS : 4964—1975		186. 0772356	83-02-01	84-01-31	IS : 368—1977	
145. 0656960	82-12-16	83-12-15	IS : 6914—1978		187. 0792160	82-08-16	83-08-15	IS : 1038—1975	
146. 0660547	83-01-01	83-12-31	IS : 398 (Part I)—1976		188. 0803139	82-10-16	83-10-15	IS : 7406 (Part I)—1974	
147. 0662753	83-01-01	83-12-31	IS : 10 (Part III)—1974		189. 0804545	82-10-16	83-10-15	IS : 3976—1975	
148. 0662854	83-01-01	83-12-31	IS : 4985—1968		190. 0811542	82-11-16	83-11-15	IS : 4964—1975	
149. 0663048	83-01-01	83-12-31	IS : 7092 (Part I)—1976		191. 0816148	82-12-01	83-11-30	IS : 1785 (Part II)—1967	
150. 0666256	82-02-01	84-01-31	IS : 226—1975		192. 0816653	82-12-01	83-11-30	IS : 2208—1962	
151. 0667763	83-02-01	84-02-15	IS : 2465—1969		193. 0819861	82-12-16	83-12-15	IS : 7122—1973	
152. 0667965	83-02-01	84-01-31	IS : 2818 (Part-II)—1971		194. 0820139	82-12-16	83-12-31	IS : 4964—1975	
153. 0668260	83-01-16	84-01-15	IS : 2566—1965		195. 0822345	83-01-01	83-12-31	IS : 3959—1978	
154. 0668361	83-01-16	84-01-15	IS : 2818 (Part II)—1971		196. 0822446	83-01-01	83-12-31	IS : 814 (Part I)—1974	
155. 0668462	83-01-16	84-01-15	IS : 3984—1967		197. 0823448	83-01-01	83-12-31	IS : 1008—1971	
156. 0668563	83-01-16	84-01-15	IS : 7407 (Part II)—1980		198. 0824450	82-12-01	83-11-30	IS : 2874—1964	
157. 0670247	83-02-01	84-01-31	IS : 5086—1969		199. 0824551	83-01-01	83-12-31	IS : 325—1978	
158. 0671249	83-02-01	84-01-31	IS : 366—1976		200. 0824652	83-01-01	83-12-31	IS : 10 (Part II)—1976	
159. 0672756	83-01-01	83-12-31	IS : 8489—1977		201. 0826050	83-01-01	83-12-31	IS : 1422—1977	
160. 0672857	83-01-01	83-12-31	IS : 8487—1977		202. 0827254	83-01-01	83-12-31	IS : 3959—1978	
161. 0673960	83-02-16	84-02-15	IS : 2879—1975		203. 0827355	83-01-01	83-12-31	IS : 3959—1978	
162. 0674255	83-02-16	84-02-15	IS : 366—1976		204. 0827557	83-01-01	83-12-31	IS : 285—1974	
163. 0695263	82-04-16	83-04-15	IS : 5531 (Part I to III)—1977		205. 0827961	83-01-16	84-01-15	IS : 8019—1976	
164. 0712035	83-01-01	83-12-31	IS : 7092 (Part II)—1976		206. 0829763	82-12-01	83-11-30	IS : 1943—1964	
165. 0715142	82-12-01	83-11-30	IS : 2567—1978		207. 0830445	83-01-16	84-01-15	IS : 10 (Part II)—1976	
					208. 0831144	83-01-16	84-01-15	IS : 2148—1968	

1	2	3	4	5	1	2	3	4	5
209.	0833552	82-02-01	84-01-31	IS : 1554(Part I) —1976	253.	1004922	82-11-16	83-11-15	IS : 694—1977
210.	0833754	83-02-01	84-01-31	IS : 694—1977	254.	1006522	82-11-16	83-11-15	IS : 285—1974
211.	0834857	83-02-01	84-01-31	IS : 1943—1964	255.	1007221	82-11-16	83-11-15	IS : 226—1975
212.	0835354	83-02-01	84-01-31	IS : 1786—1966	256.	1007322	82-11-16	83-11-15	IS : 1786—1966
213.	0836861	83-03-01	84-02-29	IS : 1601—1960	257.	1007827	82-11-16	83-11-15	IS : 2713—1969
214.	0840852	83-01-16	84-01-15	IS : 1943—1964	258.	1012113	82-12-16	83-12-15	IS : 2509—1973
215.	0840953	83-01-16	84-01-15	IS : 2874—1964	259.	1012820	82-12-16	83-12-15	IS : 1488—1969
216.	0869674	82-05-16	83-05-15	IS : 1161—1979	260.	1014319	82-12-16	83-12-15	IS : 1135—1973
217.	0874465	82-07-01	83-06-30	IS : 10(Part IV) 1976	261.	1014622	82-12-16	83-12-15	IS : 4964—1975
218.	0899380	82-12-16	83-12-15	IS : 4964—1975	262.	1015119	82-12-16	83-12-15	IS : 9301—1979
219.	0915049	82-12-01	83-11-30	IS : 1161—1979	263.	1015321	82-12-16	83-12-15	IS : 7466—1974
220.	0916354	82-12-01	83-11-30	IS : 4250—1967	264.	1015422	82-12-16	83-12-15	IS : 834—1975
221.	0918055	82-12-16	83-11-15	IS : 633—1975	265.	1015725	82-12-16	83-12-15	IS : 2026(Part I) —1977
222.	0919057	82-12-16	83-11-15	IS : 4964—1975	266.	1017022	82-12-16	83-12-15	IS : 1547—1968
223.	0920446	82-12-16	83-12-15	IS : 564—1975	267.	1017628	82-12-16	83-12-15	IS : 1977—1975
224.	0920547	82-12-16	83-12-15	IS : 562—1978	268.	1018024	82-12-16	83-12-15	IS : 834—1975
225.	0920850	82-12-16	83-12-15	IS : 3447—1965	269.	1018832	82-12-16	83-12-15	IS : 5346—1975
226.	0921953	82-12-16	83-12-15	IS : 1786—1966	270.	1019531	83-01-01	83-12-31	IS : 2548—1967
227.	0922046	82-12-16	83-12-15	IS : 1786—1966	271.	1020011	83-01-01	83-12-31	IS : 398(Part II) —1976
228.	0922147	82-12-16	83-12-15	IS : 3575—1977	272.	1021114	83-01-01	83-12-31	IS : 303—1975
229.	0922450	82-12-16	83-12-15	IS : 4536(Part I) —1968	273.	1021619	83-01-01	83-12-31	IS : 398(Part I) —1976
230.	0922551	82-12-16	83-12-15	IS : 4964—1975	274.	1021922	83-01-01	83-12-31	IS : 1011—1968
231.	0922854	83-01-01	83-12-31	IS : 4964—1975	275.	1022116	83-01-01	83-12-31	IS : 171—1973
232.	0925658	82-01-01	83-12-31	IS : 226—1975	276.	1023219	83-01-16	84-01-15	IS : 774—1971
233.	0925860	8—01-01	83-12-31	IS : 3389—1965	277.	1024625	83-01-16	84-01-15	IS : 2594—1977
234.	0930247	83-01-16	84-01-15	IS : 694—1977	278.	1025425	83-01-16	84-01-15	IS : 398(Part I) —1976
235.	0931552	83-02-01	84-01-31	IS : 7406(Part II)—1974	279.	1025526	83-01-16	84-01-15	IS : 9182(Part III)—1979
236.	0931754	83-02-01	84-01-31	IS : 7406(Part II) —1974	280.	1025627	83-01-16	84-01-15	IS : 7098(Part I & II)—1977
237.	0932554	83-02-01	84-01-31	IS : 4497—1977	281.	1027934	83-02-01	84-01-31	IS : 2148—1968
238.	0933657	83-02-01	84-01-31	IS : 1011—1981	282.	1028734	83-02-16	84-02-15	IS : 1977—1975
239.	0935358	83-02-16	84-02-15	IS : 3854—1966	283.	1028835	83-02-01	84-01-31	IS : 1786—1966
240.	0935762	83-02-16	84-02-15	IS : 2834—1964	284.	1028936	83-02-16	84-02-15	IS : 226—1975
241.	0937766	83-02-01	84-01-31	IS : 694—1977	285.	1029029	83-02-16	84-02-15	IS : 1786—1966
242.	0938869	83-02-16	84-02-15	IS : 1223(Part I) —1970	286.	1029534	83-02-16	84-02-15	IS : 574—1975
243.	0938970	83-02-16	84-02-15	IS : 8249—1976	287.	1030923	83-01-16	84-01-15	IS : 7406(Part II)—1974
244.	0940250	83-02-16	84-02-15	IS : 7285—1974	288.	1031016	83-02-16	84-02-15	IS : 1943—1964
245.	0940351	83-02-16	84-02-15	IS : 562—1978	289.	1031117	83-02-16	84-02-15	IS : 4323—1980
246.	0942052	83-02-16	84-02-15	IS : 432(Part II) —1966	290.	1031319	83-02-16	84-02-15	IS : 9356—1980
247.	0943559	83-02-16	84-02-15	IS : 1596—1977	291.	1032321	83-02-16	84-02-15	IS : 4654—1974
248.	0943761	83-03-01	84-02-29	IS : 9079—1979	292.	1032826	83-02-16	84-02-15	IS : 5346—1975
249.	0981365	82-08-01	83-07-31	IS : 7406(Part II) —1974	293.	1033323	83-02-16	84-02-15	IS : 8737 (Part II)—1978
250.	0983167	82-08-01	83-07-31	IS : 6750—1972	294.	1033424	83-02-16	84-02-15	IS : 133—1975
251.	0989785	82-09-01	83-08-31	IS : 2548—1967	295.	1034022	83-02-01	84-01-31	IS : 4246—1978
252.	1004720	82-11-16	83-11-15	IS : 1489—1976	296.	1034931	83-02-16	84-02-15	IS : 1978—1971
					297.	1035731	83-02-16	84-0—15	IS : 4517—1967

1	2	3	4	5
298. 1037129	83-02-16	84-02-15	IS : 6914—1978	
299. 1038636	83-03-01	84-02-29	IS : 2373—1973	
300. 1038737	83-01-16	84-01-15	IS : 398(Part II) —1976	

[No. CMD/13 : 12]

A.P. BANERJI, Addl. Director General.

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 2 अगस्त, 1983

का० आ० 3276.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं० का० आ० 216 (अ) तारीख 25 मार्च, 1981 द्वारा उस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि का अर्जन करने के अपने आशय की सूचना दी थी

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 8 के अनुसरण में अपनी रिपोर्ट केन्द्रीय सरकार को दे दी है;

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने और बिहार सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 385.00 एकड़ (लगभग) या 155.80 हेक्टर (लगभग) माप की भूमि का अर्जन किया जाना चाहिए,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित 385.00 एकड़ (लगभग) या 155.80 हेक्टर (लगभग) माप की भूमि का अर्जन किया जाता है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक का निरीक्षण उपायुक्त रांची (बिहार) के कार्यालय में या कोयला नियंत्रक 1-काउंसिल हाउस स्ट्रीट, कलकत्ता कार्यालय में या सेंट्रल कोलफील्ड्स लिमिटेड (राजस्व अनु-भाग) दरभंगा हाउस रांची (बिहार) के कार्यालय में किया जा सकता है।

अनुसूची

हिंडगिर एक्सटेंशन ब्लॉक

(उत्तरी कर्णपुर कोलफील्ड)

झाड़ंग राजस्व 89/81 तारीख 28 अक्तूबर, 1981

(जिसमें अर्जित की गई भूमि दर्शित की गई है)

सभी अधिकार :

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियां
1	2	3	4	5	6	7
1.	हेन्डग	बर्मू	31	रांची	183.00	भाग
2.	छापर	बर्मू	33	रांची	186.15	भाग
3.	बिजा	बर्मू	34	रांची	15.85	भाग

कुल क्षेत्र : 385.00 एकड़ (लगभग)

या 155.80 हेक्टर (लगभग)

ग्राम हेन्डग में अर्जित किए गए प्लॉट संख्यांक :—

15(भाग), 20(भाग), 21 से 24 25(भाग), 26 से 28, 152(भाग), 153 (भाग), 154 155(भाग), 156 (भाग), 157 (भाग), 158, 159, 160 (भाग), 161, 162 (भाग), 171 (भाग), 172 (भाग), 173 से 178, 179(भाग), 180(भाग), 181 (भाग) 220(भाग), 221(भाग), 222(भाग), 223(भाग), 224(भाग), 225 से 240, 241(भाग), 242, 243(भाग), 244(भाग) 246, 247, 248, 251, 259 .

ग्राम छापर में अर्जित किए गए प्लॉट संख्यांक

483(भाग), 484(भाग), 485(भाग), 486(भाग), 487 से 493, 494(भाग), 498(भाग), 499(भाग), 500, 501 (भाग), 502 (भाग), 503 (भाग), 504, 505, 506, 507 (भाग), 522 (भाग), 524 (भाग), 525 से 581 582(भाग), 583 से 598, 599(भाग), 604(भाग), 605 से 688, 689(भाग), 690, 691, 692(भाग), 705(भाग), 706 (भाग) 707(भाग); 2248

ग्राम बिजा में अर्जित किए गए प्लॉट संख्यांक—

1(भाग), 2(भाग), 39(भाग) 40(भाग).

सीमा वर्णन :—

क—ख रेखा ग्राम हेन्डग में प्लॉट सं० 15, 25, 20, 25, 153, 152, 155, 156, 157, 160, 162, 171, 172, 180, 179, 181, 224, 241, 223, 220, से होकर जाती है और बिन्दु "ख" पर मिलती है।

ख—ग रेखा ग्राम हेन्डग में प्लॉट सं० 220 221, 222, 244, 223, 244, 223, 243 से होकर ग्राम बिजा में प्लॉट सं० 40, 39, 2 और 1 और (नाला) से होकर और ग्राम छपर में प्लॉट सं० 707 (नाला) 706, 705, 689, 707 (नाला) से होकर जाती है और बिन्दु "ग" पर मिलती है।

ग—घ रेखा ग्राम छपर में जो (जो हिन्डगिर कोयला खान की सम्मिलित सीमा बनाती है) प्लॉट सं० 707(नाला) 689, 522, 692, 522, 524, 507, 498, 503, 502, 501, 499, 494, 486, 485, 484, 483, 599 से होकर जाती है और बिन्दु "घ" पर मिलती है।

घ—क रेखा ग्राम छपर में प्लॉट सं० 599, 582 से होकर और ग्राम हेन्डग में प्लॉट सं० 15 से होकर जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

[सं० 19(120)-81 सी० एल०,]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 2nd August, 1983

S.O. 3276 :—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S. O. 216(E) dated the 25th March, 1981, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands described in the Schedule appended to that notification;

And whereas the competent authority, in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Bihar, is satisfied that the lands measuring 385.00 acres (approximately) or 155.80 hectares (approximately) described in the schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 385.00 acres (approximately) or 155.80 hectares (approximately), described in the said Schedule are hereby acquired.

2. The plans of the area covered by this notification may be inspected in the Office of the Deputy Commissioner Ranchi (Bihar), or in the Office of the Coal Controller, 1, Council House Street, Calcutta, or in the Office of the Central Coalfields Limited, (Revenue Section), Darbhanga House, Ranchi (Bihar).

SCHEDULE

HINDEGIR EXTN. BLOCK

North Kanpura Coalfield

Drg. Rev/89/81 dated 28-10-81
(Showing lands acquired)

All Rights

Serial No.	Village	Thana	Thana Number	District	Area	Remarks
1.	Hendag	Burmu	31	Ranchi	183.00	Part
2.	Chhapar	"	33	"	186.15	"
3.	Binja	"	34	"	15.85	"
Total area :—				385.00 acres (approximately)		
or				155.80 hectares (approximately)		

plot numbers acquired in village Hendag :—

15(part), 20(part), 21 to 24, 25(part), 26 to 28, 152(part), 153(part), 154, 155(part), 156(part), 157(part), 158, 159, 160(part), 161, 162(part), 171(part), 172(part), 173 to 178, 179(part), 180(part), 181(part), 220 (part), 221(part), 222(part), 223(part), 224(part), 225 to 240, 241(part), 242, 243(part), 244(part), 246, 247, 248, 251, 259.

Plot numbers acquired in village Chhapra :—

483(part), 484(part), 485(part), 486(part), 487 to 493, 494 (part), 498(part), 499(part), 500, 501(part), 502(part), 503(part), 504, 505, 506, 507(part), 522(part), 524(part), 525 to 581, 582(part), 583 to 598, 599(part), 604(part), 605 to 688, 689(part), 690, 691, 692(part), 705(part), 706(part), 707(part), 1248.

Plot numbers acquired in village Binja :—

1(part), 2(part), 39(part), 40(part).

Boundary description :—

- A—B line passes through plot numbers 15, 25, 20, 25, 153, 152, 155, 156, 157, 160, 162, 171, 172, 180, 179, 181, 224, 241, 223, 220 in village Hendag and meets at point 'B'.
- B—C line passes through plot numbers 220, 221, 222, 244, 223, 244, 223, 243, in village Hendag through plot numbers 40, 39, 2 and 1 (Nala) in village Binja, through plot Numbers 707 (Nala), 706, 705, 689, 707(Nala), in village Chhapar and meets at point 'C'.
- C—D line passes through plot numbers 707 (Nala), 689, 522, 692, 522, 524, 507, 498, 503, 502, 501, 499, 494, 486, 485, 484, 483, 599 in village Chhapar (which forms common boundary of Hindegir Colliery and meets at point 'D'.
- D—A line passes through plot numbers 599, 582, 604, in village Chhapar, through plot number 15 in village Hendag and meets at starting point 'A'.

[No. 19/120/81-CL]

नई दिल्ली, 4 अगस्त, 1983

का०आ० 3277.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत सरकार के के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं० का०आ० 768(अ), तारीख 9 सितम्बर, 1980 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि का अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 8 के अनुसरण में अपनी रिपोर्ट केन्द्रीय सरकार को दे दी है;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने और बिहार सरकार से परामर्श करने के पश्चात् यह

समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 1810.00 एकड़ (लगभग) या 732.47 हेक्टर (लगभग) माप की भूमि का अर्जन किया जाना चाहिये;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित 1810.00 एकड़ (लगभग) या 732.47 हेक्टर (लगभग) माप की भूमि का अर्जन किया जाता है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण उपायुक्त पला के कार्यालय में या कोयला नियंत्रक, 1, कार्डेसिन हाउस, स्ट्रीट, कलकत्ता के कार्यालय में या सेन्दल कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) दरभंगा हाउस, रांची (बिहार) के कार्यालय में किया जा सकता है।

अनुसूची

मन्नेर कुंडा ब्लॉक
(हुत्तार कोलफील्ड)
जिला पलामू (बिहार)
ड्राईंग सं० राजस्व 53/81
तारीख 27-5-81
(जिसमें अर्जित की गई है)

सभी अधिकार

क्रम सं०	ग्राम	अंचल	राजस्व धाना	धाना सं०	जिला	क्षेत्र	टिप्पणियां
1.	पैड़ा	बरवाडीह	लतेहार	20	पलामू	37.00	भाग
2.	बरवाडीह	"	"	22	"	6.50	"

3. मोरबाईकलां	" "	39	"	865.50	"
4. बरिचटन (ख) आर०एफ०	" "	---	"	705.50	"
5. बरिचटन (ख) पी०एफ०	" "	---	"	55.50	"
6. जरगढ़	" "	52	"	126.00	"
7. सेंदुप	" "	53	"	14.00	"

कुल क्षेत्र : 1810.00 एकड़ (लगभग)
या
732.47 हेक्टर (लगभग)

ग्राम पैड़ा में अर्जित किये गये प्लॉट संख्यांक :— 339 (भाग), 340 (भाग) और 341	ब-ड	रेखा, ग्राम जरगढ़ के प्लॉट सं० 5, 4 और 3 से होकर और ग्राम सेंदुप के प्लॉट सं० 1 से होकर जाती है।
ग्राम बरवाडीह में अर्जित किये गये प्लॉट संख्यांक :— 1068 (भाग)	ड-च	रेखा, ग्राम सेंदुप के प्लॉट सं० 1 से होकर बरिचटन 'ख' आरक्षित वन से होकर और ग्राम लदगेन और पैड़ा की भागतः सम्मिलित सीमा के साथ-साथ जाती है।
ग्राम मोरबाई कलां में अर्जित किये गये प्लॉट संख्यांक :— 19 (भाग), 20 से 45 तक, 46 (भाग), 47 (भाग), 43 (भाग), 49 (भाग), 50 (भाग), और 51 (भाग) तथा 1442	च-छ	रेखा, ग्राम पैड़ा के प्लॉट सं० 340 और 339 से होकर, बरिचटन 'ख' आरक्षित वन से होकर और ग्राम बरवाडीह के प्लॉट सं० 1068 से होकर जाती है।
बरिचटन-ख (आरक्षित वन) का भाग। बरिचटन-ख (संरक्षित वन) का भाग।		
ग्राम जरगढ़ में अर्जित किये गये प्लॉट संख्यांक :— 1, 2, 3 (भाग), 4 (भाग), और 5 (भाग),	छ-ज	रेखा, ग्राम बंभडीह और बरवाडीह की भागतः सम्मिलित सीमा, ग्राम बंभडीह और बरिचटन 'ख' आरक्षित वन की सम्मिलित सीमा के साथ-साथ जाती है (जो हुतार कोलियरी की भागतः सम्मिलित सीमा भी है)।
ग्राम सेंदुप में अर्जित किये गये प्लॉट संख्यांक :— 1 (भाग)।		

सीमा वर्णन

क-ख	रेखा, ग्राम मोरबाई कलां की भागतः पश्चिमी सीमा के साथ जाती है, (जो हुतार कोलियरी की भागतः पूर्वी सीमा भी है)।	ज-क	रेखा, देवरी नदी की भागतः मध्य रेखा के साथ-साथ जाती है जो ग्राम मोरबाई कलां और बंभडीह, मोरबाई कलां और बरिचटन 'क' आरक्षित वन की भागतः सम्मिलित सीमा भी है (यह हुतार कोलियरी की भागतः सम्मिलित सीमा भी है), और आरम्भिक बिन्दु "क" पर मिलती है।
ख-ग	रेखा, ग्राम मोरबाई कलां में प्लॉट सं० 19 और 51 से होकर जाती है।		
ग-घ	रेखा, ग्राम मोरबाई कलां में प्लॉट सं० 51, 50, 49, 48, 47 और 46 से होकर, बरिचटन 'ख' संरक्षित वन से होकर, फिर ग्राम जरगढ़ के प्लॉट सं० 5 से होकर जाती है।		

[सं० 19/100/81-सी०एल०]
समाप्त सिंह, अवध सचिव

[सं० 19/100/81-सी०एल०]

समाय सिंह, अवर सचिव

New Delhi, the 4th August, 1983

S.O.3277.—WHEREAS by the notification of the Government of India in the Ministry of Steel, Mines and Coal (Department of Coal) No. S.O. 768 (E) dated the 9th September, 1980 under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

AND WHEREAS the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

AND WHEREAS the Central Government, after considering the report aforesaid and after consulting the Government of Bihar, is satisfied that the lands measuring 1810.00 acres (approximately) or 732.47 hectares (approximately) described in the Schedule appended hereto should be acquired;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 1810.00 acres (approximately) or 732.47 hectares (approximately) described in the said Schedule are hereby acquired;

2. The plans of the area covered by this notification may be inspected in the Office of the Dy. Commissioner, Palamau or in the Office of the Coal Controller, 1, Council House Street, Calcutta, or in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi (Bihar).

SCHEDULE

Macherkunda Block

(Hutar Coalfield)

District Palamau (Bihar)

Drg. No. Rev/53/81

Dated the 27-5-81

(Showing lands acquired)

All Rights

Serial number	Village	Anchal	Revenue Thana	Thana number	District	Area	Remarks
1.	Païra	Barwadih	Latchar	20	Palamau	37.00	Part
2.	Barwadih	—do—	—do—	22	—do—	6.50	—do—
3.	Morwaikalan	—do—	—do—	39	—do—	865.50	—do—
4.	Barichatan—B.R.F.	—do—	—do—	—	—do—	705.50	—do—
5.	Barichatan B.P.F.	—do—	—do—	—	—do—	55.50	—do—
6.	Jargarh	—do—	—do—	52	—do—	126.00	—do—
7.	Saidup	—do—	—do—	53	—do—	14.00	—do—

Total Area : 1810.00 acres (approximately)
or 732.47 hectares (approximately)

Plot numbers acquired in village Païra :—
339 (Part), 340 (Part), & 341.

Plot number acquired in village Barwadih :—1068 (Part).

Plot numbers acquired in village Morwaikalan :—
19 (Part), 20 to 45, 46 (Part), 47 (Part), 48 (Part), 49 (Part),
50 (Part) & 51 (Part), & 1442.

Part of Barichatan—B (Reserved Forest),

Part of Barichatan—B (Protected Forest).

Plot numbers acquired in village Jargarh :—
1, 2, 3, (Part), 4 (Part), and 5 (Part).

Plot number acquired in village Saidup :—1 (Part).

Boundary description :—

A-B line passes along the part western boundary of village Morwaikalan (which is also part eastern boundary of Hutar Colliery).

B-C line passes through plot numbers 19 & 51 in village Morwaikalan.

C-D line passes through plot numbers 51, 50, 49, 48, 47, and 46 in village Morwaikalan, through Barichatan 'B' protected forest, again through plot number 5 of village Jargarh.

D-E line passes through plot numbers 5, 4 & 3 of village Jargarh and through plot number 1 of village Saidup.

E-F line passes through plot number 1 of village Saidup, through Barichatan—'B' Reserved forest and along part common boundary of villages Ladgain and Païra.

F-G line passes through plot numbers 340 and 339 of village Païra through Barichatan—'B' Reserved forest and through plot number 1068 of village Barwadih.

J-H line passes along the part common boundary of village Babhandih and Barwadih, common boundary of villages Babhandih and Barichatan 'B' Reserved forest (which is also part common boundary of Hutar Colliery).

H-A line passes along the part Central line of River Deori which is also part common boundary of villages Morwaikalan and Babhandih, Morwaikalan and Barichatan—'A' Reserved forest (this is also part common boundary of Hutar Colliery) and meets at starting point 'A'.

[No. 19/100/81-CL]

का० आ० 3278.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं० का० आ० 2399, तारीख 25 अगस्त, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में भूमि का अर्जन करने के अपने आशय की सूचना दी थी;

और राक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 8 के अनुसरण में अपनी रिपोर्ट केन्द्रीय सरकार को दे दी है—

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने और बिहार सरकार से परामर्श करने के पश्चात्, समाधान हो गया है कि :—

(क) इससे संलग्न अनुसूची "क" में वर्णित उपब्लाक ड में 20.25 एकड़ (लगभग) या 8.19 हैक्टर (लगभग), उपब्लाक च में 56.25 एकड़ (लगभग) या 22.76 हैक्टर (लगभग) या और उपब्लाक-छ 50.25 एकड़ (लगभग) या 20.33 हैक्टर (लगभग) माप की भूमिका, और;

(ख) इससे संलग्न अनुसूची "ख" में वर्णित उपब्लाक ज में 6.25 एकड़ (लगभग) या 2.53 हैक्टर (लगभग) माप की भूमि में खनिजों के खनन, खदान, बोर करने उनकी खुदाई करने और उन्हें तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का, अर्जन किया जाना चाहिए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची "क" में वर्णित 126.75 एकड़ (लगभग) या 51.28 हैक्टर (लगभग) माप की भूमि का और उक्त अनुसूची "ख" में वर्णित 6.25 एकड़ (लगभग) या 2.53 हैक्टर (लगभग) माप की भूमि में खनिजों के खनन, खदान, बोर करने उनकी खुदाई करने, उन्हें तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन किया जाता है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण उपायुक्त हजारी बाग (बिहार) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या सेन्दल कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) दरभंगा हाउस, रांची (बिहार) के कार्यालय में किया जा सकता है।

अनुसूची "क"

अरगड़ा ब्लाक विस्तार

ड्राइंग सं० राजस्व 100/81

तारीख 1-12-81

(जिसमें अर्जित की गई भूमि दर्शित की गई है)

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियां
1	चपरी	मांडू	140	हजारी बाग	20.25	भाग

कुलक्षेत्र 20.25 एकड़ (लगभग)

या 8.19 हैक्टर (लगभग)

चपरी ग्राम में अर्जित किए गए प्लॉट संख्याएं :—

2 (भाग), 17 (भाग), 21 (भाग), 23 (भाग), 24 (भाग), 25, 26 (भाग), 27 (भाग), 28 (भाग), 29 30 (भाग) 31 (भाग) 36 (भाग) और 530 (भाग)।

उपब्लाक "ड" की सीमा वर्णन

क-क

रेखा चपरी ग्राम के प्लॉट सं० 2 से होकर जाती है।

क-ख-ग रेखाएं चपरी ग्राम के प्लॉट सं० 17, 530 और 26 से होकर जाती है (जो कोयला अधिनियम की धारा 9(1) के अधीन अर्जित किए गए आगड़ा ब्लॉक विस्तार (उपब्लॉक-ग की भागतः सम्मिलित बनाती है। देखिए का० आ० सं० 865 तारीख 10-2-69)

ग-क रेखा चपरी ग्राम के प्लॉट सं० 26, 27, 28, 30, 31, 36, 24, 23, 17, 21, और 17 और 2 से होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

सभी अधिकार

उप-ब्लॉक-च

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियां
1. चपरी		मांडू	140	हजारीबाग	39.25	भाग
2. मनोन		"	139	"	15.90	"
3. हेसला		"	138	"	1.10	"

कुल क्षेत्र : 56.25 एकड़ (लगभग)

22.76 हेक्टर (लगभग)

चपरी ग्राम में अर्जित किए गए प्लॉट संख्यांक :—530 (भाग), 537 (भाग), 598 (भाग), 599 (भाग), 600 (भाग), 601 (भाग), 604 (भाग), 605 (भाग), 606, 607, 608, 609 (भाग), 610 (भाग), 611 (भाग), 612 (भाग), 614 (भाग), 624 (भाग), 625 (भाग), 626 (भाग), 718, 719 मनोन ग्राम में अर्जित किए गए प्लॉट संख्यांक—42 (भाग), 47 (भाग), 49 (भाग), 110 (भाग), 115 (भाग), 119 (भाग), 120 (भाग)

ग्राम हेसला में अर्जित किए गए प्लॉट संख्यांक :—1 (भाग) उप ब्लॉक "च" का सीमा वर्णन—

घ-भ-च-छ-ज-झ-न-ट- रेखाएं चपरी ग्राम के प्लॉट सं० 530, 609, 610, 530, 611, 626 से होकर फिर मनोन ग्राम के प्लॉट सं० 47 से होकर जाती है (जो कोयला अधिनियम की धारा 9(1) के अधीन अर्जित किए गए अरगड़ा ब्लॉक विस्तार (उप-ब्लॉक) ग की भागतः सम्मिलित सीमा बनाती है। देखिए का० आ० सं० 865, तारीख 10-2-69)

ट-ठ-ड रेखाएं मनोन ग्राम के प्लॉट सं० 47 और 120 से होकर फिर हेसला ग्राम के प्लॉट सं० 1 से होकर जाती है (जो कोयला अधिनियम की धारा 9(1) के अधीन अर्जित किए गए अरगड़ा ब्लॉक विस्तार (उप ब्लॉक ख) की भागतः सम्मिलित सीमा बनाती है। (देखिए का० आ० सं० 42 54, तारीख 11-12-64)

ड-घ रेखा हेसला ग्राम के प्लॉट सं० 1 से होकर फिर मनोन ग्राम के प्लॉट सं० 120, 119, 120, 47, 115, 49, 110, 47 और 42 से होकर फिर चपरी ग्राम के प्लॉट सं० 624, 625, 626, 611 612, 618, 599, 600, 601, 604, 605, 530, 537, और 530 से होकर जाती है और आरंभिक बिन्दु "च" पर मिलती है।

उप ब्लॉक "छ"

सभी अधिकार

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियां
1. हेसला		मांडू	138	हजारीबाग	50.25	भाग

कुल क्षेत्र : 50.25 एकड़ (लगभग)

या 20.33 हेक्टर (लगभग)

हेसला ग्राम में अर्जित किए गए प्लॉट संख्यांक :—

4 (भाग) 6 (भाग) 7 (भाग) 8 (भाग) 9, 10 (भाग) 13 (भाग) 14 (भाग) 46 (भाग) 47, 48 49 (भाग) 50 (भाग), 51, 52, 53 (भाग), 150 (भाग), 968 (भाग),

उप-ब्लॉक "छ" का सीमा वर्णन

द—प	रेखा ह्रेसला ग्राम के प्लॉट सं० 150 और 4 से होकर जाती है (जो कोयला अधिनियम की धारा 9(1) के अधीन अर्जित किए गए अरगड़ा ब्लॉक विस्तार उप-ब्लॉक "ख" की भागतः सम्मिलित सीमा बनाती है।)
द—प—त—ध	रेखाएं ह्रेसला ग्राम के प्लॉट सं० 450 और 968 से होकर जाती है (जो कोयला अधिनियम की धारा 9(1) के अधीन अर्जित किए गए अरगड़ा ब्लॉक विस्तार (उप-ब्लॉक-ग) की भागतः सम्मिलित सीमा बनाती है। देखिए का० आ० सं० 865 तारीख 10-2-69) (उप-खण्ड)
भ—द	रेखा नाला की भागतः मध्य रेखा के साथ-साथ जाती है (जो अरगड़ा कोयला खान की सम्मिलित सीमा बनाती है)
द—घ—न—प	रेखाएं ह्रेसला ग्राम के प्लॉट सं० 968, 50 से और फिर 968 से होकर जाती है (जो खनन ब्लॉक "ज" और अरगड़ा कोयला खान की सम्मिलित सीमा बनाती है।)
प—क—द	रेखाएं नाला की भागतः मध्य रेखा के साथ-साथ जाती है और दामोदर नदी के दाएं किनारे के साथ-साथ का भाग भी है।
ब—घ	रेखाएं ह्रेसला ग्राम के प्लॉट सं० 53, 50, 49, 46, 8, 6, 7, 10, 13, 14 और 150 से होकर जाती है और आरंभिक बिंदु "ण" पर मिलती है।

अनुसूची-ख

उप-ब्लॉक "ज"

(जिसमें वह भूमि दक्षित की गई है जिसमें खनिजों के खनन, खदान नोर करने, उनकी खुदाई करने और उन्हें तलाश करने और उन्हें ले जाने के अधिकारों का वर्णन किया गया है)

खनन अधिकार

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियां
1.	हेसला	मांडू	138	हजारीबाग	6.25	भाग
		कुल क्षेत्र	6.25 एकड़ (लगभग)			
		या	2.53 हेक्टर (लगभग)			
हेसला ग्राम में अर्जित किए गए प्लॉट संख्याएं						
50 (भाग) और 968 (भाग)।						
सीमा-वर्णन :—						
द—प	रेखा नाला की भागतः मध्य रेखा के साथ-साथ जाती है।					
प—न—घ—द	रेखाएं हेसला ग्राम के प्लॉट सं० 968, 50 और 968 से होकर जाती है और आरंभिक बिन्दु "द" पर मिलती हैं।					

[सं० 14/5/81-सी० एल०]

S.O. 3278:—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal), No. S. O. 2399 dated the 25th August, 1981, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (29 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification;

And where as the competent authority, in pursuance of section 8 of the said Act, has made his report to the Central Government;

And where as the Central Government, after considering the report aforesaid and after consulting the Government of Bihar, is satisfied that:—

- (a) the land measuring 20.25 acres (approximately) or 8.19 hectares (approximately) in sub-block-E, 56.25 acres (approximately) or 22.76 hectares (approximately) in sub-block-F and 50.25 acres (approximately) or 20.33 hectares (approximately) in sub-block -G described in Schedule 'A' appended hereto, and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the land measuring 6.25 acres (approximately) or 2.53 hectares (approximately) in sub-block-H described in Schedule 'B' appended hereto,—

should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 126.75 acres (approximately) or 51.28 hectares (approximately) described in the said Schedule 'A' and the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 6.25 acres (approximately) or 2.53 hectares (approximately) described in the said Schedule 'B' are hereby acquired;

The plan of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Hazaribagh (Bihar), or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Central Coalfields Limited (Revenue Section) Darbhanga House, Ranchi (Bihar).

SCHEDULE
ARGADA BLOCK EXTN.
SUB-BLOCK 'E'

Drg. No. Rev/100/81 dated 1-12-81
(Showing lands acquired)

All Rights

Serial Number	Village	Thana	Thana Number	District	Area	Remarks
1.	Chapri	Mandu	140	Hazaribagh	20.25	Part
Total area :—				20.25 acres (approximately) or 8.19 hectares (approximately)		

Plot numbers acquired in village Chapri :—

2(part), 17(part), 21(part), 23(part), 24(part), 25, 26(part), 27(part), 28(part), 29, 30(part), 31(part), 36(part), and 530(part).

Boundary description of sub-block 'E' :—

A—A' line passes through plot No. 2 in village Chapri.

A'—B—C lines pass through plot numbers 17, 530 and 26 in village Chapri (which forms part common boundary of Argada Block Extension (Sub-Block C) acquired u/s 9(1) of the Coal Act vide S.O. No. 865 dated 10-2-69).

C—A line passes through plot numbers 26, 27, 28, 30, 31, 36, 24, 23, 17, 21, 17 and 2 in village Chapri and meets at starting point 'A'.

SUB-BLOCK 'F'

All Rights

Serial number	Village	Thana	Thana number	District	Area	Remarks
1.	Chapri	Mandu	140	Hazaribagh	39.25	part
2.	Manuan	Mandu	139	Hazaribagh	15.90	part
3.	Hesla	Mandu	138	Hazaribagh	1.10	part
Total area :—				56.25 acres (approximately) or 22.76 hectares (approximately)		

Plot numbers acquired in village Chapri :—530 (part), 537(part), 598(part), 599 (part), 600 (part), 601 (part), 604(part), 605 (part), 606, 607, 608, 609 (part), 610 (part), 611 (part), 612 (part), 614 (part), 624 (part), 625 (part), 626 (part), 718, 719.

Plot numbers acquired in village Hesla :—1 (Part).

Boundary description of Sub-Block 'F' :—

D—E—F—G—H—I—J—K lines pass through plot numbers 530, 609, 610, 530, 611, 626 in village Chapri again through plot no. 47 in village Manuan (which forms part common boundary of Argada Block Extension (sub-block C acquired u/s 9(1) of the Coal Act vide S.O. No. 865 dated 10-2-69.)

K—L—M lines pass through plot numbers 47 and 120 in village Manuan then through plot no. 1 in village Hesla (which forms part common boundary of Argada Block Extension (Sub-Block B) acquired u/s 9(1) of the Coal Act vide S.O. No. 4254 dated 11-12-64.)

M—D line passes through plot number 1 in village Hesla, then through plot numbers 120, 119, 120, 47, 115, 49, 110, 47 and 42 in village Manuan, then through plot numbers 624, 625, 626, 611, 614, 611, 612, 618, 599, 600, 601, 604, 605, 530, 537, and 530 in village Chapri and meets at starting point 'D'.

SUB-BLOCK-'G'

All Rights

Serial Number	Village	Thana	Thana number	District	Area	Remarks
1.	Hesla	Mandu	138	Hazaribagh	50.25	part
		Total area :—	50.25 acres (approximately)			
		or	20.33 hectares (approximately)			

Plot numbers acquired in village Hesla :—4(part), 6(part), 7(part), 8(part), 9, 10 (part), 13(part), 14 (part), 46(part), 47, 48, 49(part), 50(part), 51, 52, 53(part), 150 (part), 968(part).

Boundary description of Sub-Block 'G' :—

N—O line passes through plot numbers 150 and 4 in village Hesla (which forms part common boundary of Argada Block Extension (Sub-Block-'B') acquired u/s 9(1) of the Coal Act).

O—P—Q lines pass through plot numbers 4, 50 and 968 in village Hesla (which forms part common boundary of Argada Block Extension (Sub-Block-'D') acquired u/s 9(1) of the Coal Act vide S.O. No. 865 dated 10-2-69.

Plot numbers acquired in village Manuan :—42(part), 47(part), 49(part), 110(part), 115(part), 119(part), 120 (part).

Q—R line passes along the part central line of the Nalla (which forms part common boundary with Argada Colliery).

R—S—T—U lines pass through plot numbers 968, 50 and again 968 in village Hesla (which forms common boundary with the Mining Block 'H' and acquire surface previously by Argada Colliery).

U—V—W lines pass along the part central line of the Nalla and also forms part along the left bank of the River Damodar.

W—N lines pass through plot Nos. 53, 50, 49, 46, 8, 6, 7, 10, 13, 14 and 150 in village Hesla and meets at starting point 'N'.

SCHEDULE-'B'

SUB-BLOCK 'H'

(Showing lands where rights to mine, quarry, bore, dig and search for, win work and carry away minerals are acquired).

Mining Rights

Serial Number	Village	Thana	Thana number	District	Area	Remarks
1.	Hesla	Mandu	138	Hazaribagh	6.25	part
		Total area :—	6.25 acres (approximately)			
		or	2.53 hectares (approximately)			

Plot numbers acquired in village Hesla :—50(part) and 968 (part).

Boundary description :—

R—U line passes along the part central line of the Nalla.

U—T—S—R lines pass through plot numbers 968, 50 and 968 in village Hesla and meets at starting point 'R'.

[No. 19/3/82-CL]

नई दिल्ली, 9 अगस्त, 1983

का० आ० 3279.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं० का० आ० 2086, तारीख 16 जुलाई, 1981 द्वारा जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 1 अगस्त, 1981 में प्रकाशित की गई थी, उससे संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में 722.023 हैक्टर (लगभग) या 1784.16 एकड़ (लगभग) माप की भूमि में जो इससे संलग्न अनुसूची में भी विनिर्दिष्ट है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और उक्त भूमि की बाबत, उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन कोई सूचना नहीं दी है;

अतः, अब, केन्द्रीय सरकार उक्त धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 1 अगस्त 1983 में आरम्भ होने वाली छह मास की और अवधि को ऐसी अवधि के रूप में विनिर्दिष्ट करती है जिसके भीतर केन्द्रीय सरकार उक्त भूमि का या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन करने के अपने आशय की सूचना देगी।

अनुसूची

पद्मपुर ब्लाक

वर्धा बेली कोलफील्ड

जिला चन्द्रपुर (महाराष्ट्र)

इ.इ.स. सं० सी०-1 (ई०) 111/जे०आर०/180-1280 तारीख 26-12-80

(जिसमें पूर्वेक्षण के लिए अधिसूचित भूमि दर्शित की गई है)

सं० ग्राम का नाम	पटवारी सर्किल सं०	तहसील	जिला	हैक्टरों के क्षेत्र	टिप्पणियां
1. पद्मपुर	11	चन्द्रपुर	चन्द्रपुर	231.01	भाग
2. कितादी	11	"	"	66.97	"
3. मिनगांव	11	"	"	145.69	"
4. सिनहाला	11	"	"	4.19	"
5. चन्दावा सुर्ला (खैरगांव)	10	"	"	12.30	"
6. कोन्धी मालगुजारी	10	"	"	109.37	"
7. कोन्धी चेक	10	"	"	5.44	"
8. दुर्गापुर	10	"	"	147.05	"

कुल क्षेत्र 722.023 हैक्टर (लगभग)

या 1784.16 एकड़ (लगभग)

सीमा वर्णन

का—ख

रेखा हरह नदी के पूर्वी किनारे से प्रारम्भ होती है और कितादी ग्राम से होकर जाती है तथा उसी ग्राम में बिन्दु "ख" पर मिलती है।

ख—ग

रेखा कितादी, पद्मपुर ग्रामी से होकर जाती है, लोक निर्माण विभाग की तारीखा-चन्द्रपुर सड़क पार करती है और पद्मपुर, सिन्हाला और दुर्गापुर की सम्मिलित सीमा पर बिन्दु "ग" पर मिलती है।

- ग—घ रेखा सिन्हाला ग्राम से होकर जाती है और फिर दुर्गापुर ग्राम से होकर आगे बढ़ती है तथा दुर्गापुर और सिन्हाला ग्रामों की सम्मिलित सीमा पर बिन्दु "घ" पर मिलती है।
- घ—ङ रेखा सिन्हाला और दुर्गापुर ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और दुर्गापुर ब्लाक की (जिसे कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) के अधीन अर्जित किया गया है, देखिए का० आ० सं० 450 (अ) तारीख 4-8-79) पूर्वी सीमा पर बिन्दु "ङ" पर मिलती है।
- ङ—च रेखा दुर्गापुर ग्राम से होकर जाती है जो दुर्गापुर ब्लाक की (जिसे कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) के अधीन अर्जित किया गया है, देखिए का० आ० सं० 450 (अ) तारीख 4-8-79) उत्तरी सीमा भी है और पद्मपुर और दुर्गापुर ग्रामों की सम्मिलित सीमा पर बिन्दु "च" पर मिलती है।
- च—छ रेखा दुर्गापुर ग्राम से होकर जाती है जो दुर्गापुर ब्लाक की (जिसे कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) के अधीन अर्जित किया गया है, देखिए का० आ० सं० 450 (अ), तारीख 4-8-79) उत्तरी सीमा भी है और बिन्दु "छ" पर मिलती है।
- छ—ज—झ रेखा दुर्गापुर ग्राम से होकर जाती है जो दुर्गापुर ब्लाक को (जिसे कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) के अधीन अर्जित किया गया है, देखिए का० आ० सं० 450 (अ) तारीख 4-8-79) पश्चिमी सीमा भी है और बिन्दु "झ" पर मिलती है।
- झ—ण रेखा दुर्गापुर और कोन्धी चेक ग्रामों से होकर जाती है और लोक निर्माण विभाग की चन्द्रपुर तारोबा सड़क की पूर्वी सीमा पर बिन्दु "ण" पर मिलती है।
- ण—त रेखा कोन्धी चेक और दुर्गापुर ग्रामों से होकर लोक निर्माण विभाग की चन्द्रपुर तारोबा सड़क के पूर्वी पार्श्व के साथ-साथ जाती है और बिन्दु "त" पर मिलती है।
- त—ठ रेखा दुर्गापुर ग्राम से होकर जाती है और दुर्गापुर तथा कोन्धी मालगुजारी ग्रामों की सम्मिलित सीमा पर मोटाघाट नाले के मध्य बिन्दु "ठ" पर मिलती है।
- ठ—ड रेखा कोन्धी मालगुजारी, मिनगांव और चन्वाला सुर्ला (खैरगांव) ग्रामों से होकर जाती है और हरद्व नदी के दक्षिणी किनारे पर बिन्दु "ड" पर मिलती है।
- ड—क रेखा चन्वाला सुर्ला (खैरगांव), मिनगांव, कितादी ग्रामों से होकर जाती है जो हरद्व नदी का दक्षिणी किनारा भी है और आरम्भिक बिन्दु "क" पर मिलती है।

[सं० 19/23/83-सी० एल]

समय सिंह, अव्वर सचिव

New Delhi, the 9th August, 1983

S.O.3279 :—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 2086 dated the 16th July, 1981 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 1st August, 1981, the Central Government gave notice of its intention to prospect for coal in lands measuring 722.023 hectares (approximately) or 1784.16 acres (approximately) in the locality specified in the Schedule appended thereto as also in the Schedule hereto annexed;

And whereas in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (i) of section 7, the Central Government hereby specifies a further period of six months commencing from 1st August, 1983 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands.

SCHEDULE
PADMAPUR BLOCK
WARDHA VALLEY COALFIELD
DISTRICT CHANDRAPUR (MAHARASHTRA)

Drg. No. C-1(E)III/JR/180-1280 dt. 26-12-1980.

(Showing land notified for prospecting)

Sl. No.	Name of village	Patwari Circle No.	Tahsil	District	Area in hectares.	Remarks
1	2	3	4	5	6	7
1.	Padmapur	11	Chandrapur	Chandrapur	231.01	Part
2.	Kitadi	11	"	"	66.97	"
3.	Mingaon	11	"	"	145.69	"
4.	Sinhala	11	"	"	4.19	"
5.	Chandala Surla (Khairgaon)	10	"	"	12.30	"
6.	Kondhi Malgajari	10	"	"	109.37	"
7.	Kondhi Check	10	"	"	5.44	"
8.	Durgapur	10	"	"	147.05	"

Total Area : 722.023 hectares (approximately)

OR 1784.16 acres (approximately)

Boundary Description :

- A—B Line starts from eastern bank of the Erai river and passes through the village Kitadi and meets in the same village at point "B".
- B—C Line passes through villages Kitadi, Padmapur, crosses the P.W.D. Taroba-Chandrapur road and meets at the common boundary of villages Padmapur, Sinhala and Durgapur at point "C".
- C—D Line passes through village Sinhala and then proceeds through village Durgapur and meets on common boundary of villages Durgapur and Sinhala at point "D".
- D—E Line passes along the common boundary of villages Sinhala and Durgapur and meets on the eastern boundary of Durgapur Block [acquired under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) vide S.O. No. 450(E) dated 4-8-79] at point "E".
- E—F Line passes through village Durgapur which is also a northern boundary of Durgapur Block [acquired under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) vide S.O. No. 450(E) dated 4-8-79] and meets on the common boundary of villages Padmapur and Durgapur at point "F".

- F—G Line passes through village Durgapur which is also a northern boundary of Durgapur Block [acquired under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) vide S.O. No. 450(E) dated 4-8-79] and meets at point "G".
- G-H-I Line passes through village Durgapur which is also the western boundary of Durgapur Block [acquired under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) vide S.O. No. 450(E) dated 4-8-79] and meets at point "I".
- I—J Line passes through villages Durgapur and Kondhi Check and meets on the eastern boundary of P.W.D. Chandrapur—Taroba Road at point "J".
- J—K Line passes through villages Kondhi Check and Durgapur along the eastern side of the P.W.D. Chandrapur—Taroba road and meets at point "K".
- K—L Line passes through village Durgapur and meets on the common boundary of villages Durgapur and Kondhi Malgajari in the central point of Motaghat Nalla at point "L".
- L—M Line passes through villages Kondhi Malgajari, Mingaon and Chandala Surla (Khaurgaon) and meets on the southern side of the river Erai at point "M".
- M—A Line passes through villages Chandala Surla (Khaurgaon), Mingaon, Kitadi which is also the southern side of river Erai and meets at the starting point "A".

[No. 19/23/83-CL]
SAMAY SINGH, Under Secy.

Certification with effect from 8-7-1983 A. N. until further orders.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 21 जुलाई 1983

का० प्रा० 3280—चलचित्र (सेंसर) नियम, 1958 के नियम 3 के साथ पठित चलचित्र अधिनियम, 1952 की धारा 3 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री विक्रम सिंह को केन्द्रीय फिल्म प्रमाणन बोर्ड के अंशकालिक अध्यक्ष के पद पर 8-7-83 (अपराह्न) से अगले आदेश तक नियुक्त करती है।

[फाइल सं० 802/22/79-एफ० सी०]
के० एस० वेंकटरामण, अवर सचिव

MINISTRY OF INFORMATION & BROADCASTING
New Delhi, the 21st July, 1983

S.O. 3280.—In exercise of the powers conferred by sub-section (1) of section 3 of the Cinematograph Act, 1952 read with rule 3 of the Cinematograph (Certification) Rules 1983, the Central Government is pleased to appoint Shri Bikram Singh as Part-time Chairman of the Central Board of Film

[File No. 802/22/79-F(C)]

K. S. VENKATARAMAN, Under Secy.

पर्यटन और नागर विमानन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 25 जुलाई, 1983

का० प्रा० 3281.—केन्द्रीय सरकार, वायुयान नियम, 1937 के नियम 3 के उपनियम (2क) के अनुसरण में, नागर विमानन महानिदेशालय के वायु सुरक्षा निदेशालय में निदेशक, वायु सुरक्षा, उपनिदेशक, वायु सुरक्षा और प्रादेशिक नियंत्रक, वायु सुरक्षा को महानिदेशक नागर विमानन द्वारा प्रयोक्तव्य कतिपय शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है और भारत सरकार के पर्यटन और नागर विमानन मंत्रालय की अधिसूचना सं० का० प्रा० 3562 तारीख 29 सितम्बर, 1976 का निम्नलिखित संशोधन करती है, अर्थात्:—

(1) उक्त अधिसूचना की प्रथम अनुसूची में विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित जोड़ा जाएगा, अर्थात् :—

प्रथम अनुसूची

अधिकारी का नाम द्वितीय अनुसूची की शक्तियां जिनका प्रयोग किया जाएगा

1	2
"निदेशक वायु सुरक्षा	52क
उपनिदेशक वायुसुरक्षा	52क
प्रादेशिक नियंत्रक वायु सुरक्षा	52क"

(2) द्वितीय अनुसूची में क्रम सं० "52 क" को "52 ख" के रूप में पुनः संख्यांकित किया जाएगा और इस प्रकार पुनः संख्यांकित "52 ख" के पूर्व किन्तु क्रम सं० और प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात् :—

द्वितीय अनुसूची

क्रम सं० वह नियम जिसके द्वारा शक्ति की प्रकृति शक्तियां प्रदान की गई

1	2	3
"52 क" नियम 77 (ग) (1)	किसी भी घटना का अन्वेषण करने के लिए आदेश देना और अन्वेषण करने के प्रयोजन के लिए जांच अधिकारी नियुक्त करना।"	

[फा० सं० ए० बी० 11012/4/81-ए]
बी० बी० गुप्ता, अवर सचिव

MINISTRY OF TOURISM AND CIVIL AVIATION
(Department of Civil Aviation)

New Delhi, the 25th July, 1983

S.O.3281—In pursuance of sub-rule (2A) of rule 3 of the Aircraft Rules, 1937 the Central Government

hereby authorises the Director of Air Safety, the Deputy Director of Air Safety and Regional Controller of Air Safety in the Air Safety Directorate of the Directorate General of Civil Aviation to exercise certain powers exercisable by the Director General of Civil Aviation and make the following amendments in the notification of the Government of India in the Ministry of Tourism and Civil Aviation No. S.O. 3562 dated the 29th September, 1976, namely :—

(1) In the First Schedule to the said notification after the existing entries, the following shall be added, namely :—

FIRST SCHEDULE

Designation of Officer	Powers in the Second Schedule to be exercised
1	2
"Director of Air Safety	52A
Deputy Director of Air Safety	52A
Regional Controller of Air Safety	52A"

(2) In the Second Schedule, serial No. "52A" shall be renumbered as "52B" and before "52B" so renumbered, but after the entries relating to serial No. "52" the following serial No. and entries shall be inserted, namely :—

SECOND SCHEDULE

Sl. No.	Rule by which power conferred	Nature of power
1	2	3
"52A"	Rule 77(C)(1)	To order investigation and to appoint an enquiry officer for the purpose of carrying out investigation of any incident".

[F. No. A.V. 11012/4/81-A]

V. B. GUPTA, Under Secy.

श्रम तथा पुनर्वासि मंत्रालय
(श्रम विभाग)

आदेश

नई दिल्ली, 28 जून, 1983

का०आ० 3282:—केन्द्रीय सरकार की यह राय है कि हमसे उपावद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में भारतीय स्टेट बैंक विशाखापत्तनम के प्रबन्धतंत्र से संबंधित एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः अब केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एस० वी० रमन रेड्डी होंगे, जिसका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या भारतीय स्टेट बैंक के प्रबन्धतंत्र द्वारा क्षेत्रीय प्रबन्धक विशाखापत्तनम के नियंत्रण में की अपनी राजो ल शाखा के संबंध में श्री बी० शंकरराव, अंशकालिक संदेशवाहक सह-पानीवाला को पिछली मजदूरी सहित 17-12-1976 से उसे सेवा में फिर से बहाल करने पर अंशकालिक पानी-वाला बाय के रूप में पुनः पदाभिहित करने की और उसकी पूर्णकालिक संदेशवाहक के रूप में जिनके लिए वह महा-प्रबन्धक (कार्यान्वयन) एल०एच०ओ० कार्मिक विभाग हैदराबाद द्वारा जारी किए गए स्टाफ परिपत्र सं० 74 तारीख 22-8-1977 और सं० 80 तारीख 18-10-1978 के अनुसार पात्र हैं, पुष्टि करने से इंकार करने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किम अनुतोष का हकदार है?”

[सं० एल० 12012/268/82-डी० II(ए)]

MINISTRY OF LABOUR & REHABILITATION
(Department of Labour)

ORDER

New Delhi, the 28th June, 1983

S.O. 3282.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of State Bank of India, Visakhapatnam and their workman in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri S. V. Ramana Reddy shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of the State Bank of India, in relation to its Razole branch under Control of Regional Manager, Vishakhapatnam in redesignating Shri Ch. Shankar Rao, part-time messenger-cum-waterman as part-time water boy on his reinstatement in service on 17-12-1976 with back wages and denying him confirmation as full time messenger to which he is eligible in terms of staff Circular No. 74 dated 22-8-1977 and No. 80 dated 18-10-1978 issued by General Manager (Operations) L.H.O. Personal Department Hyderabad is justified? If not, to what relief is the concerned workman entitled?”

[No. 1-12012/268/82-D.II(A)]

आदेश

नई दिल्ली, 22 जुलाई, 1983

का०आ० 3283:—इससे उपावद्ध अनुसूची में विनिर्दिष्ट औद्योगिक विवाद श्री एस० वी० रमण रेड्डी, पीठासीन अधिकारी औद्योगिक अधिकरण हैदराबाद के समक्ष लंबित पड़े ;

और श्री एस० वी० रमण रेड्डी की सेवाएं अब उपलब्ध नहीं रही हैं

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33-ख की उपधारा (1) के साथ पठित धारा 7क के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एस० श्रीनिवास राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त श्री एस० वी० रमण रेड्डी, पीठासीन अधिकारी औद्योगिक अधिकरण, हैदराबाद के समक्ष लंबित उक्त विवाद से संबंध कार्यवाही को वापस लेती है और उसे श्री एस० श्रीनिवास राव, पीठासीन अधिकारी, औद्योगिक अधिकरण, हैदराबाद को ईम निदेश के साथ स्थानान्तरित करती है कि उक्त अधिकरण आगे कार्यवाही उस प्रक्रम से करेगा जिस पर वह उसे स्थानान्तरित की जाए तथा विधि के अनुसार उसका निपटान करेगा ।

अनुसूची

भारत सरकार श्रम मंत्रालय, नई दिल्ली
क्रमांक के आदेश की संख्या और पक्षकारों के नाम
तारीख

1	2	3
1.	संख्या एल 12012/263/82 डी-II(ए) दिनांक 28/30 जून, 1983	भारतीय स्टेट बैंक, हैदराबाद का प्रबन्ध तंत्र और कर्मकार
2.	सं० एल 12012/(268)/82-डी-II(ए) दिनांक 28 जून 1983	भारतीय स्टेट बैंक, विशाखापत्तनम का प्रबन्धतंत्र और कर्मकार ।

[संख्या एस-12012/(263)/82-डी-II-ए]

ORDER

New Delhi, the 22nd July, 1983

S. O. 3233:—Whereas the industrial disputes specified in the Schedule hereto annexed are pending before Shri S. V. Ramana Reddy, the Presiding Officer, Industrial Tribunal, Hyderabad:

And whereas the services of Shri S. V. Ramana Reddy are no longer available;

Now, therefore, in exercise of the powers conferred by section 7A read with sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, the Presiding Officer of which shall be Shri M. Srinivasa Rao with headquarters at Hyderabad and withdraws the proceedings in relation to the disputes pending before the said Shri S.V. Ramana Reddy, Presiding Officer, Industrial Tribunal, Hyderabad and transfers the same to Shri M. Srinivasa Rao, Presiding Officer, Industrial Tribunal, Hyderabad, with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. No.	Number and date of the Order of the Government of India, Ministry of Labour, New Delhi	Name of the Parties
1.	No. L-12012 (263)/82-D.II.A dated 28th/30th June, 1983.	Workman and the Management of S.B.I., Hyderabad.
2.	No. L-12012(268)/82-D.II.A dated 28th June, 1983.	Workman and the Management of State Bank of India, Visahapatnam.

[No. L-12012(263)/82-D.II.A]

New Delhi, the 23rd July, 1983

S.O. 3284.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the Union Bank of India, Lucknow and their workmen, which was received by the Central Government on the 8-7-83.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL ; NEW DELHI

I.D. No. 194 of 1981

In the matter of dispute between :
Shri P. N. Shukla,
Special Assistant,
through U.P. Bank Employees Union,
36/1, Kailash Mandir, Kanpur.

AND

Union Bank of India, Hotel Clarkus
Hazaratganj, Lucknow.

PRESENT :

Shri V. V. Mangalvadakar—for Workman.

Shri Atul Gupta—for the Management.

AWARD

The Central Government, Ministry of Labour, on 19th December, 1981, vide Order No. L-12012/1/81-D.II(A), made the reference of the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Union Bank of India in debarring Shri P. N. Shukla, Special Assistant from promotion for three years with effect from 14-8-80 is justified ? If not, to what relief is the workman concerned entitled ?”

2. The Union of the workman did not file the Statement of Claim despite several adjournments given to them to file the same on 3-3-83, 24-3-83, 28-4-83, 27-5-83 and 4-7-83. It appears that the Union of the workman is not serious about the dispute raised by them and no statement of claim has been filed. Accordingly, a ‘No Dispute Award’ is made in the instant case.

July 4, 1983.

[No. L-12012/1/81-DII-A]

Further ordered that the requisite number of copies of this Award be forwarded to the Central Government for necessary action at their end.

New Delhi, the 5th August, 1983

S.O. 3285.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of State Bank of India Agra and their workmen which was received by the Central Government on the 28th July, 1983.

BEFORE SHRI O. P. SINGLA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 192 of 1983

In the matter of disputes between :

Shri Pooran Singh,

Sub-staff

through

The Deputy General Secretary,

State Bank of India Staff Association,

2/363, Nammer, Agra.

AND

State Bank of India, Region II,
Lauries Hotel, Agra.

PRESENT :

Miss Rajinder—for the Management,

None—for the Workman.

AWARD

The Central Government, Ministry of Labour, on 27th May, 1983, vide Order No. L-12012/184/82 D.II(A) made the reference of the following dispute to this Tribunal for adjudication:—

“Whether the action of the management of State Bank of India, Region II, Agra in relation to its Hailiras Branch in terminating the services of Shri Pooran Singh, Sub-staff in the month of April, 1975 is justified ? If not, to what relief is the workman concerned entitled ?”

2. Notices were issued to the parties, but none appeared for the workman, Miss Rajinder appeared for the management and informed that the Management had already absorbed

the workman in the permanent employment of the Bank in June, 1983 and as such the workman is not interested in pursuing the matter further. The statement is believed and a 'No Dispute Award' is made.

July 18, 1983.

[No. L-12012/184/82-D.II(A)]

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

S.O. 3286.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of Banaras State Bank Limited Varanasi and their workmen which was received by the Central Government on the 28th July, 1983.

BEFORE SHRI O. P. SINGLA : PRESIDING OFFICER :
CENTRAL GOVT. INDUSTRIAL TRIBUNAL :
NEW DELHI

I.D. No. 134 of 1981

In the matter of disputes between :

Shri Gur Parshad Srivastava
through The Secretary,
U.P. Bank Employees Federation,
26/104, Birhana Road, Kanpur.

AND

General Manager,
Benaras State Bank
Head Office Luxa Road
Varanasi.

PRESENT :

Shri Arun Monga—for the Management.

None—for the Workman.

AWARD

The Central Government, Ministry of Labour, on 10th September, 1981 vide Order No. L-12012/90/81-D.II (A) made the reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Benaras State Bank Ltd., Varanasi in terminating the services of Shri Gur Prasad Srivastava, Godown Keeper with effect from 16-10-74 is justified? If not to what relief is the workman concerned entitled?"

2. On 5-11-1981 Shri S. K. Mehra appeared for the workman and on 27-4-1983 Shri O. P. Gupta appeared for the workman, but no Claim Statement has been filed and for the last three days, on one has appeared on behalf of the workman. It appears that the workman has lost interest in the dispute raised by him in the present case. Accordingly, a 'No Dispute Award' is made in the present case.

July 25, 1983

[No. L-12012/90/81-D.II(A)]

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

S.O. 3287.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of

53 GI/83—9

Allahabad Bank, Lucknow and their workmen, which was received by the Central Government on the 28th July, 1983.

BEFORE SHRI O. P. SINGLA : PRESIDING OFFICER :
CENTRAL GOVT. INDUSTRIAL TRIBUNAL :

NEW DELHI

I.D. No. 89 of 1983

In the matter of disputes between :
Shri Ram Dixit
through
The Secretary and State Executive,
U.P. Bank Employees Union,
36/1, Kailash Mandir, Kanpur.

Versus

Allahabad Bank
Hazarat Ganj,
Lucknow.

PRESENT :

Shri Rajiv—for the Management.

None—for the Workman.

AWARD

The Central Government, Ministry of Labour, on 19th March, 1982 vide Order No. L-12012(235)/80-D.II(A), made the reference of the following dispute to this Tribunal for adjudication :—

"Keeping in view the service rendered by Shri Ram Dixit, sub-staff in Allahabad Bank on various spells, from June, 1973 to June, 1980 whether the demand of U.P. Bank Employees Union for permanent absorption of the said workman is justified? If so, to what relief is the workman entitled?"

2. Sh. Rajinder Kumar Sharma, appeared for the workman and Union on 7th June, 1983 and sought a date for filing the Statement of Claim. The case was adjourned to 19th July, 1983 for filing Statement of Claim. But none has been filed today and none has appeared for the Union and the workman. It appears that the Union and the workman have lost interest in the dispute raised by them and accordingly, a 'No Dispute Award' is made in the instant case.

July 19, 1983.

[No. L-12012/235/80-D.II(A)]

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

S.O. 3288.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur, Jaipur and their workmen, which was received by the Central Government on the 28th July, 1983.

BEFORE SHRI O. P. SINGLA : PRESIDING OFFICER :
CENTRAL GOVT. INDUSTRIAL TRIBUNAL :

NEW DELHI

I.D. No. 18 of 1981

In the matter of disputes between :
Udha Ram Kumar and another
Clerks through
The Provincial President,
Rajasthan Bank Employees Union,
A-56, Janta Colony, Jaipur-4 (Rajasthan).

AND

State Bank of Bikaner and Jaipur,
Head Office S.M.S. Highway,
Jaipur.

PRESENT :

Miss Singhal—for the Management.
None—for the workmen.

AWARD

1. The Central Government, Ministry of Labour, on 17th February, 1981, vide Order No. L-12011/6/80-D.II.A. made the reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of State Bank of Bikaner and Jaipur, Jaipur in terminating the services of S/Shri Udha Ram Kumhar and Shanker Lal Gagrani, Clerks with effect from August, 1978 and 6th August, 1976 respectively is justified? If not, to what relief are the concerned workman entitled?"

2. The Claim-statement was filed on 18-4-1981 by Shri R. L. Khandelwal for the two workmen. In respect of Shri Udha Ram Kumar, it was pleaded that he worked for 170-1/2 days in 1975, 221 days in 1976, 19 days in 1977 and 33 days in 1978. But with leave period, it will come to more than 240 days in the year 1976. In respect of Shanker Lal Gagrani, it was stated that he worked for 107 days in the year 1973, 227 days in the year 1974 and 134 days in the year 1975 and 42 days in the year 1975. Shri Gagrani was again stated to have worked for 256 days during the period from November 1973 to September 1974.

3. The termination of service of these two employees was said to be against the provisions of Sections 25F, 25G of the I.D. Act and para 522(4) of the Sastry Award and the reinstatement in service with full back wages was claimed.

4. The Management contested the claim and asserted that the workmen were temporary employees and had not completed 240 days in any calendar year and were not entitled to any relief and no question of violation of the provisions of Sections 25F and 25G arose. However, in respect of Shri Shanker Lal Gagrani, it was stated in the written statement that he had been accepted in the employment of the Bank on his acceptance of terms and conditions given to him by a letter of appointment dated 18-4-1981 and he accepted those conditions by his letter dated 29-4-1981 and accordingly, Shanker Lal Gagrani was taken in the employment of the Bank.

5. In the case of Udha Ram Kumhar, no relief can be given to him for the simple reason that the provisions of Section 25F of the I.D. Act, 1947 are not attracted in his case and, therefore, no relief can be given to him. Shanker Lal Gagrani has already got the relief in an amicable manner.

6. The award is made in the terms aforesaid.

July 25, 1983.

O. P. SINGLA, Presiding Officer
[No. L-12011/6/80-D.II(A)]

Further ordered that the requisite number of copies of this award be forwarded to the Central Govt for necessary action at their end.

S.O. 3289.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bangalore, in the industrial dispute between the employers in relation to the management of State Bank of Mysore Bangalore and their workman, which was received by the Central Government on the 28th July, 1983.

**BEFORE THE INDUSTRIAL TRIBUNAL IN
KARNATAKA, BANGALORE**

Dated this the 18th day of July 1983

Central Reference No. 2 of 1982

I PARTY.

Workman represented by K. Krishna, S/o K. Subbanna, C/o Sreenivasa Nilaya Amaravathi, Hospet, Bellary District.

—Vs—

II PARTY

The Managing Director, State Bank of Mysore, 523, Avenue Road, Bangalore.

APPEARANCES

For the I Party:—Sri R. Gururajan, Advocate, Bangalore.

For the II Party:—Sri H. Shanmukhappa, Advocate, Bangalore.

REFERENCE

(Government Order No. L-12012/123/81-D. II (A) dated 20-1-1982)

AWARD

The Central Government has made a reference of the dispute between the parties for adjudication on the following points:—

"Whether the demand of Shri K. Krishna for reinstatement in service of the State Bank of Mysore on the basis of the service in the bank's Branches between September, 1976 and August, 1977 and also other periods is justified? If so, to what relief is the workman concerned entitled?"

2. The I Party has filed a statement contending that he was appointed in the year 1973 as a temporary sub-staff on daily wages and was allowed to continue in service till the year 1978 and during that period he had actually worked for 628½ days. According to him he has worked for a period of more than 240 days which entitles him to seek for regularisation of this service. The II Party ought to have taken into consideration the holidays he was entitled to enjoy as per law and should have added them to the days of work and was wrong in contending that his service was only for 232 days for the period September 1976 to August 1977. It has made an order of termination of service of the I Party wrongly.

3. The II Party has filed a statement contending that the reference is bad as the demand is not for protection of continuous of service under Section 25-B of the Industrial Disputes Act and the mere fact that he worked for 628½ days from 1973 to 1978 will not entitle to him to ask for reinstatement. He has been appointed temporarily on daily wages from time to time in the vacancies that were created on account of leave of other employees and at no time it was for a continuous period of 240 days and hence he is not entitled to claim that his service should be considered as continuous service within the meaning of Section 25-B of the Industrial Disputes Act. He is not entitled to add the leave or holidays that could be given to the employees under the different enactments as he was not in regular service.

4. The following additional issue was framed:—

(1) Whether the reference is not maintainable for the reasons given in the counter statement? ?

5. Decision and reasons:

Issue No.1:—It cannot be denied that the demand by the I Party is not properly brought out in the reference. It does not mention as to when and how the workman was terminated and what is the definite period in which he claims to have worked to demand a reinstatement. But on this ground the reference cannot be rejected as not maintainable. It is the case of the I Party that he is terminated from his employment and the same is wrong as he is entitled to the protection under Section 25-B of the Industrial Disputes Act. The Tribunal will be competent to decide that question though the wording in the reference is not clear. Hence this issue is answered against the II Party.

6. Point of Reference No. 1:—Even in the statement, the I Party does not say the actual date of his termination from service. He states that he has put in service of 628-1/2 days for a block period of 1973 to 1978. There is no meaning in such a claim as there is no rule prescribed by the management fixing service of any particular number of days in any block period. It has not formed any block also to count the days of service of each employee. Ext. W5 is produced by the I Party to show that the management had taken a decision to absorb temporary employees who had put in service of 270 days with breaks in the block from 1-7-1975 to 31-12-1979. This is only a letter by the Central Office President of the Employees Union to the Branch Secretaries informing that the management has agreed to consider such cases and a report may be sent in that regard. This will not entitle the I Party to demand that his service for any block period should be taken into account and a direction should be given for absorbing him into service.

7. Section 25-N of the Industrial Disputes Act provides that no workman who has been in continuous service for not less than one year under employment shall be retrenched without observing some of the conditions prescribed therein. Section 25B defines as to what is meant by continuous service. It is considered as a period of 240 days to be calculated for the period of 12 calendar months preceding the date of termination with reference to which calculation is to be made adding to it the leave, lay-off, strike or lock-out period which is not due to any fault of the workman. He has produced along with his statement, a monthly abstract of the service rendered by him from September 1976 to August 1977. The total number of days worked by him during the period is 232 days. It is alleged in the claim statement that for this period of 232 days the leave to which he is entitled should be added and that would bring up the days of work to 259 days. That is not the way of calculation contemplated under Sec. 25B. It requires uninterrupted service with only permissible breaks. The workman has stated in his cross-examination that there used to be break in service as he has been appointed for temporary vacancies of peon and watchman. Ext. W-1 to 4 produced by him would show that he was never appointed on a permanent basis or with the intention of uninterrupted continuous service. It may be that on account of his previous experience he was reappointed during the casual vacancy arising in the post of peon or watchman. Such breaks in service cannot be called as a cessation of work which is not due to any fault of the workman for which exemption can be granted while counting the period of 240 days. The learned pleader for him contends that under Section 25B sub-clause (1) a continuous period is to be calculated as even for a period beyond one year. He relies on a decision in State Bank of India vs. N. Sundarmoney, 1976 1 LLJ 478 in support of his contention. While quoting the facts of that case it has been observed at para 6 that the workman had worked, off and on, between July 1970 and November 1972 and the period of his work for 9 days under the last appointment order should be added to it and it would make up a total of 240 days in a year. It is stated therein that the total number of days of employment for a period mentioned above answered the test of deemed continuous service within Section 25B (2) and both sides accept that fact situation. Hence it is not clear as to whether the breaks in service was on account of the permis-

sible deductions given in Section 25B. As both sides accepted the situation that the service must be deemed to be a continuous service, the Supreme Court only added 9 more days to make it a continuous service for a year of 240 days. It did not lay down that the service even for the period beyond 12 days from the date of termination should be added to consider whether the service was for a continuous period of 240 days. In the details given by the I Party himself in his annexure-C his work was for different days in each month and the total of them from the last date of work will not be 240 days for a period of one year. Even in the decision in Mohan Lal vs. B.E.L., 1981 11 LLJ 70 the facts as explained in para 15 would show that the period of service has to be calculated commencing from the last date and counting backwards for a period of 12 months and if that comes to 240 days, it can be deemed to a continuous service for a period of one year. Even in the decision in Ramasamuz Narsing Upadhyaya vs. Vinubhai M. Mitra, 1982 11 LLJ 186 the period of continuous service calculated therein would disclose that it should be calculated from the last date of termination backwards and in that case there was no dispute between the parties about the calculation but only the dispute revolving on the question of unauthorised leave and the High Court took the view that the absence on account of unauthorised leave would not amount to interruption in the continuous service. It has been observed therein that the continuous service would be interrupted by termination of the service by dismissal or discharge and such a thing had not occurred in that case. But in the present case, if the appointment itself is for a few days of absence of the other workers it would amount to a discharge on the resumption of duty by the latter and that would bring about an interruption in service. Hence none of the above decisions are helpful to the I Party to claim that he had put in uninterrupted continuous service for 240 days in a year and hence the order of termination is wrong.

8. In view of my findings as above, I hold that the I Party is not entitled to be reinstated in service and is not entitled to any other reliefs also. The reference is answered as above and an award is passed accordingly

28th July, 1983.

V.H. UPADHYAY, Presiding Officer

[No. L-12012/123/81-D-II(A)]

S.O.3290.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of Union Bank of India, Kanpur and their workmen, which was received by the Central Government on the 28th July, 1983.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 6 of 1979

In the matter of disputes between

Shri Pramod Kumar Patel, through The President U.P.
Bank Employees Congress, C/o Punjab National
Bank, Cooperganj, Kanpur.

AND

Union Bank of India, General Ganj Branch, Kanpur.

PRESENT :

Shri S. S. Sethi—for the Management.

None—for the Workman.

AWARD

The Central Government, Ministry of Labour on 23rd
January, 1979 vide Order No. L-12011/46/78-D.II.A made

the reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the Management of Union Bank of India in stopping from work Shri Pramod Kumar Patel, Clerk in the General Branch of the Bank at Kanpur with effect from 8-9-77 and in not allowing him to appear at the written test held by the management on 8-9-77 for selection of candidates for their regular appointments as Clerks were justified? If not, to what relief is the workman concerned entitled?"

Mr. Pramod Kumar Patel joined Union Bank of India, General Canj, Kanpur and worked for 224 days during the period 18-1-1977 to 1-2-1977. His case is that he was appointed in a permanent vacancy as per the provisions of Para 20.8 of the Bipartite settlement and he worked to the satisfaction of his superiors and the Regional Manager allowed him to appear in the written test held on 8-9-1977. But the Zonal Manager, for the reasons best known to him, had detained him from appearing in the test held on 8-9-1977 and also instructed the Regional Manager to discontinue his services w.e.f. 8-9-77. His case is that no appointment letter was issued to him and he continued to work for 224 days against a permanent vacancy in bank, and, therefore, he acquired the status of a confirmed employee in the Bank and his services were terminated without following the provisions of Chapter 19 of Bi-partite settlement. He claimed reinstatement in service with full back wages.

3. The Management of the Union Bank of India contested the claim. It was pleaded that the dispute raised by Shri Pramod Kumar Patel was not competent under Section 2-A of the Industrial Disputes Act, 1947 and that under the settlement of the Management with the All India Union Bank Employees Federation in 1978, it was settled that the temporary employees who had worked for 240 days in the Bank will be allowed to sit in the written test and interview for permanent employment irrespective of the fact whether they are otherwise eligible or not. But the employees who had not actually worked for 240 days were not allowed to sit in the written test and interview. Graduates in Arts/Science with minimum 45 per cent marks and graduates in commerce with minimum 40 per cent marks were eligible to appear in the written test for the posts of Clerks and Cashiers in the Bank and non-graduates were allowed only if they secured 60 per cent marks in their S.S.C. or equivalent examination. Mr. Patel did not fulfill these qualifications and was not allowed to sit in the written test for filling up the vacancies on permanent basis. The qualification was not strictly in force for temporary appointments. Mr. Patel had not worked in the Bank for 240 days and therefore, even as a concession, he could not sit in the test for selecting persons for permanent employment.

4. The following issues were settled on 16-10-1979 :—

1. Whether the present reference is not competent for the grounds alleged?
2. Whether there is proper espousal of the dispute?
3. As in term of reference?

5. Evidence was led by the parties. The workman filed his own affidavit by way of evidence and was cross-examined. The Management filed an affidavit of Shri V. C. Shah, Assistant Superintendent, Zonal Office at Lucknow. I have heard the representatives of the parties and have examined the written arguments filed by the workman.

6. The workman has strongly relied upon the faults of the management in violating the mandatory provisions of 'Sastri Award' and 'Desai Award' in dispensing with his services and not issuing him the appointment letter. He has asserted that his appointment was against a permanent

vacancy for an indefinite period and there was no question of his services being terminated without notice. He was given a recommendatory letter of Regional Manager for appearing in the test, but was later turned away from the test.

7. The situation is plain. Mr. Pramod Kumar Patel did not have the regular qualification for permanent employment in the Bank and he could never be promised permanent employment in the Bank and his assertion that he was so promised is false.

8. Permanent employment in the Bank was possible only after a test and interview at Bombay. He was not eligible for the test on the ground of lack of necessary educational qualifications. The concession that the employee who had worked temporarily for 240 days will be eligible did not apply to him, because in fact, he never worked for 240 days with the Bank. The action of the Management in not allowing him to appear in the written test and interview at Bombay is legal and proper and cannot be interfered with by this Tribunal.

9. The classification of 240 days' work in an year is taken from Section 25-F of the Industrial Disputes Act, 1947 and is rational and the relaxation allowed by the Bank for appearing in the test was a rational classification and cannot be said to be arbitrary and fanciful. The refusal of the Management in not allowing the workman to appear in the written test was legal and proper. He had already ceased to work before the test and the days on which he actually worked with the management are given by the Bank in its reply and do not amount to 240 days in an year. Accordingly, the claim of the workman lacks substance and the action of the Management is both legal and justified. The workman is not entitled to any relief.

10. In view of the failure of the workman on the merits of the case, the preliminary issues have not been decided.

11. The award is made in the terms aforesaid. July 21, 1983.

O. P. SINGLA, Presiding Officer

[No. L-12011/46/78-D.II(A)]

N. K. VERMA, Desk Officer

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

नई दिल्ली, 27 जुलाई, 1983

का० आ० 3291—केन्द्रीय सरकार खान अधिनियम, 1952 (1952 का 35) की धारा 27 के अनुसरण में, उक्त नियम की धारा 24 की उपधारा (4) के अधीन भाटी बजरी खान दिल्ली संघ राज्य क्षेत्र में 10, 16 और 24 जनवरी 1983 को दुर्घटनाओं के कारणों और परिस्थितियों की जांच करने के लिए नियुक्त जांच-न्यायालय द्वारा उसे प्रस्तुत की गई निम्नलिखित जांच रिपोर्ट प्रकाशित करती है।

भाटी बजरी खान, दिल्ली संघ राज्य क्षेत्र में 10, 16 और 24 जनवरी 1983 को हुई दुर्घटनाओं की बाबत जांच न्यायालय की रिपोर्ट।

खान अधिनियम 1952 की धारा 24 (4) के अन्तर्गत जांच न्यायालय की रिपोर्ट (न्यायामूर्ति वी० एस० देशपांडे, भूतपूर्व मुख्य न्यायाधीश, दिल्ली उच्च न्यायालय)

निजी हित से लोक हित तक

1. विचारणीय विषय :

आगे दी गई अधिसूचना द्वारा जांच-न्यायालय की नियुक्ति की गई :

भ्रम तथा एनर्जिस मंत्रालय

(भ्रम विभाग)

अधिसूचना

नई दिल्ली, 14 फरवरी, 1983

का० आ० 30. --10, 16 और 24 जनवरी, 1983 को दिल्ली संघ राज्य क्षेत्र की भाटी-बजरी खान में तीन दुर्घटनाएं हुई थीं, जिनमें कई व्यक्तियों की मृत्यु हुई थी,

और केन्द्रीय सरकार की राय है कि इन दुर्घटनाओं के कारणों और परिस्थितियों की औपचारिक जांच की जाए;

अतः, केन्द्रीय सरकार, खान अधिनियम, 1952 (1952 का 35) की धारा 24 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ऐसी जांच करने के लिए दिल्ली उच्च न्यायालय के सेवा-निवृत्त मुख्य न्यायाधीश, न्यायमूर्ति बी० एस० देशपाण्डे, को नियुक्त करती है और इस जांच के लिए असेसरों के रूप में निम्नलिखित व्यक्तियों को भी नियुक्त करती है:—

- (i) श्री एस० एल० पासी, राष्ट्रीय मजदूर कांग्रेस, 16 गुरुद्वारा रकाब गंज रोड, नई दिल्ली-1
- (ii) श्री एस० शंकरन, 28 लोगानाथन कलोनी, माईलापुर, मद्रास।

2. उक्त जांच के निर्देश पद निम्नलिखित होंगे:—

- (क) 10, 16 और 24 जनवरी, 1983 को भाटी-बजरी खान में हुई दुर्घटनाओं के कारणों की जांच करना, जिनमें कई व्यक्तियों की मृत्यु हो गई।
- (ख) उन विद्यमान दशाओं की जांच करने जिनमें उक्त खानों में खनन संक्रियाएं की जाती हैं।
- (ग) ऐसे परिवर्तनों और सुधार उपायों के सुझाव देना, जो कार्यकारी दशाओं में सुधार करने के लिए और उक्त खानों में भविष्य में बराबर होने वाली दुर्घटनाओं का निवारण करने के लिए आवश्यक हों।

[सं० एन० 11012/1/83-एम० 1]

जे० के० जैन, अवर सचिव

2. निजी हित से लोक हित तक:

इस जांच के विषय की प्रकृति ऐसी है जो यह सुझाव देती है कि इनका सार निजी हित से लोक हित तक की प्रगति है। मैंने इस रिपोर्ट का यह शीर्षक इसलिए किया है कि यह रिपोर्ट इस जांच के सार का संक्षिप्त विवरण प्रस्तुत करती है। इस जांच का संबंध उन परिस्थितियों से है जिनके अन्तर्गत राजधानी के निकट भाटी-बजरी खान में खनन कार्य किए जाते हैं और इस रिपोर्ट में वे कारण भी शामिल किए गए हैं जो इन खानों के कार्य में दुर्घटनाओं की ओर उन्मुख करने हैं तथा ऐसे सुझाव भी दिए गए हैं जो भविष्य में इस प्रकार की दुर्घटनाओं को बचाने के

लिए काम करने की दशाओं में सुधार लाने के लिए हैं। इस प्रकार इस रिपोर्ट का संबंध इस क्षेत्र की खनन प्रणाली के अतीत, वर्तमान और भविष्य से है।

3. खनन की प्रकृति और महत्व:

यह जानना उपयुक्त होगा कि खनन की प्रकृति और महत्व कार्य-वशात् तथा ऐसा लोकहित क्या है जो इसमें निहित होता है: पहले, खानों में कार्य करने वाले मजदूरों का कल्याण और दूसरे, इन सबसे महत्वपूर्ण समाप्त होने वाले राष्ट्रीय संसाधन का वैज्ञानिक ढंग से शोषण। खनन-क्रिया का स्वरूप ही ऐसा है कि इसमें चोट का जोखिम स्वतः ही निहित होता है और यहां तक कि खानों में काम करने वाले मजदूरों की मृत्यु भी हो जाती है। इसलिए यह उचित समझा गया था कि ऐसा कानून बना लिया जाए जो खान में काम करने वाले मजदूरों की सुरक्षा और कल्याण को सुनिश्चित कर सके और यह कार्य बहुत पहले 1923 में ही पूरा कर लिया गया था। वर्तमान कानून खान अधिनियम, 1952 है और इसी अधिनियम की धारा 57 के अन्तर्गत धातुमय खान विनियमावली, 1961 बनाई गई है। भारत में खानों की कार्य-प्रणाली में निजी हित से लोक हित तक की प्रगति दो प्रकार की है:—

- (क) सूची I की प्रविष्टि 54—संविधान की सातवीं अनुसूची की संघीय सूची, केन्द्रीय विधि निर्माण को उस सीमा तक खानों और खनिज के विकास के विनियमन के लिए प्राधिकृत करती है जहां तक संघ के नियंत्रण के अधीन इस प्रकार के विनियम और विकास संसद द्वारा कानून के रूप में लोक हित के लिए व्यावहारिक घोषित किए जायें, और
- (ख) ऊपर बताई गई अनुसूची की प्रविष्टि 55 संसद को यह प्राधिकृत करती है कि कई खानों और तेल के क्षेत्रों में मजदूरों के विनियमन और सुरक्षा के संबंध में कानून बनाए।

खनन और खनन-मजदूरों की सुरक्षा और कल्याण के लिए संविधान में जो विशेष महत्व दिया गया है, वह उल्लेखनीय है। साधारणतया सूची दो की प्रविष्टि 23 संविधान विनियमन की अनुसूची आठवीं राज्यसूची के अन्तर्गत खान और खनिज विकास राज्य विधायकी का विषय है। लेकिन सूची I की प्रविष्टि 53—संविधान की अनुसूची सात की संघीय सूची द्वारा इस बात पर जोर दिया गया है कि अखिल भारतीय आधार पर संसद द्वारा खानों और खनिज विकास के विनियमन के संबंध में और अधिक महत्व दिया जाए। खान और खनिज (विनियमन और विकास) अधिनियम, 1957 में की गई घोषणा के अनुसार खानों के विनियमन और विकास का कार्य केन्द्र सरकार ने राज्यों से ले लिया है। खानों को अधिक महत्व देने से बहुत पहले ही उनके मानवीय पक्ष पर अपेक्षाकृत अधिक बल दिया गया

था। खानों में काम पर लगाए गए मजदूरों की सुरक्षा और कल्याण के लिए खान अधिनियम द्वारा सबसे पहले 1923 में उसके बाद 1952 में व्यवस्था की गई थी। सूची तीन की प्रविष्टि 24—संविधान की आठवीं अनुसूची की समवर्ती सूची में मजदूरों के कल्याण का सामान्य विषय दिया गया है, सूची एक की प्रविष्टि 54—संविधान की आठवीं सूची की संघीय सूची में विशेष रूप से खानों और तेल के क्षेत्रों के विनियमन और सुरक्षा के लिए केन्द्रीय विधि-निर्माण की व्यवस्था की गई है और इसमें यह दिखाया गया है कि सामान्यतया मजदूरों के कल्याण की अपेक्षा इसका अधिक महत्व है।

4: खनन में लोक हिंसा के दो पक्ष:

(क) आर्थिक पक्ष:

चूंकि खनिज समाप्त होने वाले प्राकृतिक संसाधन हैं अतः लोकहित की दृष्टि से उनका संरक्षण और समुपयोग करना चाहिए। सूची एक की प्रविष्टि 54—संविधान की सत्रवीं अनुसूची की संघीय सूची में संसद को यह घोषित करने के लिए प्राधिकृत किया गया है कि संघ के नियंत्रण के अन्तर्गत खानों और खनिजों के विकास के विनियमन का कार्य लोकहित की दृष्टि से समायोजित है। इसलिए खानों और खनिजों के विकास के विनियमन का कार्य खान और खनिज (विनियमन और विकास) अधिनियम, 1957 के अन्तर्गत केन्द्रीय सरकार द्वारा ले लिया गया। इसके बाद कोई भी व्यक्ति पूर्वेक्षण अथवा खनन कार्य नहीं करेगा सिवाय इसके कि वह इस अधिनियम और इसके अधीन बनाए गए नियमों के अन्तर्गत किए गए पूर्वेक्षण लाइसेंस अथवा पट्टे के नियमों या शर्तों के अनुसार ऐसा कर सकेगा। खनिजों को बृहत् खनिजों और लघु खनिजों में बांटा गया है। दिल्ली लघु खनिज नियम, 1962 में भाटी खानों में बजरी अथवा बरपुर, बालू के खनन को विनियमित किया गया है जिससे हमारा गहरा संबंध है। इन नियमों के अन्तर्गत कोई भी व्यक्ति दिल्ली के संघीय क्षेत्र में लघु खनिजों का खनन नहीं कर सकता बशर्ते कि वह कलक्टर (खान) द्वारा परमिटधारी बनाया गया हो। इलाहाबाद और खान मंत्रालय (खान विभाग) इस प्रयोजन के लिए प्रशासकीय मंत्रालय है। दिल्ली के संघीय क्षेत्र के लिए राष्ट्रपति अथवा केन्द्रीय सरकार के दिल्ली के उपराज्य पाल को अपना प्रतिनिधि बनाया है।

(ख) सुरक्षा पक्ष:

खनन क्रिया में खतरा स्वतः निहित है। अनुसूची 1 की प्रविष्टि 55—राज्य सूची में संसद को खानों की सुरक्षा और मजदूरों के विनियमन के संबंध में कानून बनाने के लिए विशेष अधिकार दिए गए हैं। खान अधिनियम, 1952 खानों के मजदूरों की सुरक्षा को सुनिश्चित करने के लिए ही बनाया गया है। धातुमय खान विनियमावली, 1961 इसी अधिनियम की धारा 57 के अन्तर्गत लागू किया गया है। खनन मंत्रालय इस प्रयोजन के लिए प्रशासकीय मंत्रालय

है। इस मंत्रालय के अधीन खान-सुरक्षा महानिदेशालय है जिसे इन विनियमों के लागू करने का कार्य सौंपा गया है।

यह विशेष रूप से ध्यान देने की बात है कि संविधान में खान के आर्थिक और सुरक्षा पक्षों को सावधानी से अलग-अलग रखा गया है। संसद ने दो अलग-अलग कानून पारित किए हैं जिनका संबंध इन दोनों पक्षों में से प्रत्येक से है और सरकार ने इन पक्षों से संबंधित प्रशासकीय शक्तियों को दो अलग-अलग मंत्रालयों को सौंप दिया है। इसका कारण संभवतः यह है कि सुरक्षा पक्ष को आर्थिक पक्ष के अन्तर्गत रखने की भूल न की जाए। खनन सुरक्षा महानिदेशालय (डी० जी० एम० एस०) इन खानों के कार्यकलापों का पर्यवेक्षक है ताकि वह खानों के मजदूरों के कल्याण का ध्यान रख सके और सुरक्षा लागू कर सके।

भाटी खानों का अनियमित उपयोग और निहित निजी स्वार्थों का संबंधन:

लाल बरपुर वाली भाटी खानें महानगर के समीप स्थित हैं। इस खनिज की अधिक आवश्यकता उन बृहत् निर्माण कार्यों के लिए है जो गत कई दशकियों से राजधानी में चल रहे हैं। वहां निजी परमिटधारियों ने अपने ही लाभ के लिए इस लघु खनिज का खनन कार्य प्रारंभ किया और वे सुरक्षा विनियमों को पूरा करने की आवश्यकता के प्रति उपेक्षा करते रहे। इन परमिटधारियों और अन्य व्यक्तियों ने, जो नियमित परमिटों के बिना ही खनन कार्य कर रहे हैं, इन खानों को अपना ही समझा है। इसका कारण क्या है; क्योंकि राज्य केवल सैद्धान्तिक रूप से ही खनन कार्य पर नियंत्रण रखता रहा है। इन खानों का वास्तविक कार्य इन निजी खननकर्तारों पर ही छोड़ दिया गया जो परमिट प्राप्त करने के लिए केवल रायल्टी ही जमा करते थे। इस रायल्टी की राशि परमिटधारियों द्वारा खनन की गई अनुमय मात्रा के अनुसार ही अलग-अलग रही चूंकि परमिटों का जारी करना और लघु खनिजों का खानों खानों के आर्थिक पक्ष से ही संबंधित था अतः न तो परमिट से सम्बद्ध शर्तों और न परमिट के जारी करने वाले और रायल्टी एकत्र करने वाले प्राधिकारियों की शक्तियों को खानों के मजदूरों की सुरक्षा सुनिश्चित करने के लिए लागू किया गया। यह कार्य खान-सुरक्षा महानिदेशालय द्वारा अलग-अलग रूप में किया जाता रहा। इसका परिणाम यह हुआ कि परमिटधारियों को यथा-संभव अधिक सस्ते ढंग से खनिजों को निकालने का अवसर मिला और वे यथासंभव अधिक लाभ लेकर खनिजों को बेचते रहे। खान और खनिज विनियमावली के अन्तर्गत अपेक्षित अर्हताप्राप्त व्यक्तियों द्वारा खनन-कार्य का पर्यवेक्षण इन परमिटधारियों द्वारा सुनिश्चित नहीं हो सका। इन्होंने खान-सुरक्षा महानिदेशालय द्वारा दिए गए अनुदेशों का पालन तक नहीं किया। इसका परिणाम यह हुआ कि खनिजों में काम करने वाले मजदूरों की सुरक्षा की निरंतर उपेक्षा की गई और भाटी खानों में अधिक संख्या में दुर्घटनाएं होती रहीं।

सरकार द्वारा लोक हित में खान-मजदूरों की सुरक्षा के दाये बजरी और पथर निकालने के लिए परमिट कंटेनर (खान) द्वारा जारी किया जा रहा था और भारी बजरी खानों के खनन के लिए अक्टूबर, 1975 तक इस प्रकार का परमिट सैसस किरन पाल एंड कम्पनी के पास था। खान सुरक्षा महानिदेशालय के अधिकारियों ने जो निरीक्षण किए, उसके दौरान उन्हें यह पता लगा कि खनन क्रियाएं अनियमित रूप से की जा रही हैं। खान अधिनियम, 1952 और खान और खनिज विनियमावली 1961 में दिए गए सुरक्षा पूर्वोपायों का भी पालन करने का प्रयास नहीं किया गया था। मजदूरों के कल्याण के उपायों के प्रश्न पर कभी विचार नहीं किया गया। इस खान में कुछ दुर्घटनाएं तो सुरक्षा पूर्वोपायों के पालन न करने के कारण हुईं। खान अधिनियम, 1952 की धारा 22(3) के अन्तर्गत खान सुरक्षा महानिदेशालय ने अपने पत्र संख्या डी/32/1/4353 दिनांक 1/5/1979 द्वारा इन खानों में कार्य करने का निषेध किया। कदाचित्त खान सुरक्षा महानिदेशालय की यह राय रही होगी कि इन खानों में काम पर लगाए गए व्यक्तियों के जीवन अथवा सुरक्षा की निश्चित रूप से तत्काल खतरा है। इस निषेधात्मक आदेश का परिणाम यह हुआ कि खनन क्रियाएं उस समय तक फिर से चालू नहीं की जा सकतीं जब तक कि खतरे को दूर न कर दिया जाए। खान अधिनियम, 1952 की धारा 18(1) द्वारा इन सुरक्षा पूर्वोपायों के पालन का उत्तरदायित्व प्रत्येक खान के मालिक, एजेंट और मैनेजर पर है। चूंकि परमिटधारी इन सुरक्षा पूर्वोपायों का पालन नहीं कर रहा था जबकि वह मालिक था और उसके स्टाफ के कुछ लोग खान के एजेंट या मैनेजर थे अतः यह आवश्यक हो जाता है कि खान के भावी कार्य को बंद कर दिया जाए। इसका मुख्य कारण यह रहा कि परमिटधारी के निजी हित और खान के मजदूरों की सुरक्षा के लोकहित के मध्य स्पष्ट रूप से भिन्न हुआ। परमिटधारी की दिलचस्पी उत्पादन की लागत को कम से कम करने में रही। खान के मजदूरों की सुरक्षा के लिए आवश्यकता थी कि खनन-क्रिया प्रारंभ करने से पहले अपेक्षाकृत अधिक जमा की गई मिट्टी को हटा दिया जाता। यह जमा की गई मिट्टी दो चरणों में हटाई जानी थी। सबसे पहले खनिजों पर पड़ी हुई धूल-मिट्टी को हटा देना चाहिए। इसके बाद खनिज पर चिपकी हुई उस मिट्टी को हटा देना चाहिए जो धूल-मिट्टी की अपेक्षा अधिक सख्त होती है। इस काम के लिए आरम्भ में अधिक पूंजी लगानी पड़ती है। केवल इस प्रकार के परमिटधारी से ही यह आशा की जाती है कि वह इस व्यय का भार वहन करेगा क्योंकि वह खनन-कार्य के लिए दीर्घकालीन योजना बनाता है। अन्त में उसे इस कार्य से लाभ होगा। इस बीच धूल-मिट्टी के ढेर का हटाने के पश्चात् उसे खान और खनिज विनियमावली के विनियम 106 का पालन करना है। इसका संगत अंश इस प्रकार है :

के लिए आगे दिए गए पूर्वोपायों का पालन करना चाहिए जो इस प्रकार हैं" :—

(1) कछारी मिट्टी, मोरन, बजरी, मिट्टी, मलबा और इसी प्रकार की अन्य जमीन—

(क) (i) इसके किनारे सुरक्षा के कोण पर ढलवां होंगे जो समस्त अथवा इसी प्रकार के अन्य किसी से 45° से अधिक न होंगे जैसा कि क्षेत्रीय निरीक्षक लिखित आदेश द्वारा अनुमति प्रदान करे और ऐसी शर्तों के अधीन यह अनुमति हो जिसका वह इस अनुमति पत्र में स्पष्ट उल्लेख करे, या

(ii) किनारों को बेंचनुमा रखा जाएगा और प्रत्येक बेंच की ऊंचाई 1.5 मीटर से अधिक न होगी। और इसकी चौड़ाई ऊंचाई की अपेक्षा कम होगी।

इस प्रकार की दीर्घकालीन योजना की सुविधा की दृष्टि से खान और खनिज विनियम और विकास अधिनियम, 1957 और इसके अधीन निर्मित खनिज रियायत नियमावली के अन्तर्गत दीर्घकालीन पट्टे दिए गए। इस बात की भी व्यवस्था की गई कि सभान रूप से दीर्घकाल के इन पट्टों का पुनर्नवीकरण भी किया जाएगा। दुर्भाग्यवश लघु खनिज के लिए इस तरीके को नहीं अपनाया गया। दिल्ली लघु खनिज नियमावली, 1962 के अन्तर्गत अल्पकालीन परमिट दिए गए। इसका अर्थ यह हुआ कि दीर्घकालीन योजना को स्वीकार नहीं किया गया। इसका अनिवार्य परिणाम यह हुआ कि विनियम 106 द्वारा धूल-मिट्टी को उचित रूप से न ता हटाया ही गया और न ही बेंचों का निर्माण किया गया और यह खनन-कार्य बेंचों का निर्माण किए बिना ही किया जाता रहा। खान के ढलवा किनारे धंस सकते हैं और उस नलवे के नीचे खान-मजदूर तथा मजदूर द्वारा काम में लाया गया वह खच्चर भी दफन हो सकता है जो खान के गड्ढे के तले से खान के ऊपरी तल तक खनिजों को ढोकर ले जाता है। संक्षेप में यही कारण है कि ऐसी दुर्घटनाएं घटी जबकि निषेधात्मक आदेश जारी किया गया था।

3 मई, 1975 को केन्द्रीय भ्रम मंत्री ने अपने अर्ध-शासकीय पत्र संख्या 11012/110/75/एम० आई० द्वारा दिल्ली के उपराज्यपाल को यह सुझाव दिया कि दिल्ली के संघीय क्षेत्र की खान की कार्य-प्रणाली का विभागीयतौर पर विचार किया जाए जो खान अधिनियम, 1952 तथा खान और खनिज विनियमावली के उपबंधों के अनुसार हो। 13-11-1975 को आयोजित दिल्ली की कार्यकारी परिषद् ने जो निर्णय लिया, वह इस प्रकार है :—

“दिल्ली वैज्ञानिक तथा औद्योगिक विकास निगम (डी० एस० आई० डी० सी०) द्वारा भाटी और बदरपुर के चारों ओर लघु खनिज क्रियाओं का हाथ में लेने के प्रश्न पर भी विचार किया गया। यह भी निर्णय किया गया कि इस कार्य को भी हाथ में लिया जाए। इस उद्देश्य के लिए एक अलग निगम की स्थापना की जायेगी।”

“106 ओपन कास्ट खनन-कार्य-ओपन कास्ट कार्य

यह ध्यान देने के लिए अत्यंत महत्वपूर्ण बात है कि दिल्ली की कार्यकारी परिषद ने यह निर्णय श्रम मंत्री के अनुरोध पर लिया क्योंकि वे खान मजदूरों की सुरक्षा को सुनिश्चित करने के लिए चिंतित थे। जिस प्रकार किसी विधान का उद्देश्य उसके अर्थ की कुंजी होता है उसी प्रकार इस सुझाव का उद्देश्य यह था कि भाटी खानों का कार्य विभागीय तौर पर किया जाए जिससे खान-मजदूरों की सुरक्षा सुनिश्चित हो सके। इसका कारण यह था कि सरकार एक दीर्घकालीन योजना बना सकेगी और खानों के खनन-कार्य से पूर्व विनियम 106 तथा अन्य सुरक्षा पूर्वोपायों को सुनिश्चित कर सकेगी। वृत्ति सरकार एक लोक प्राधिकरण है अतः वह अधिक और सुरक्षा दोनों पक्षों की दृष्टि से लोकहित को सुरक्षित करने के लिए कदम उठा सकती है। इसके बाद खान की कार्य-प्रणाली में सरकारी हित तथा सरकारी और कानूनी हित की सुनिश्चितता में कोई विरोध नहीं होगा ताकि खान मजदूरों की सुरक्षा को हानि न उठानी पड़े।

डी० एस० आई० सी० द्वारा अधिग्रहण

22 नवम्बर, 1975 को भाटी खानें डी० एस० आई० डी० सी० द्वारा ले ली गईं। इस संबंध में कलक्टर (खान) ने नीति-निर्णय लिया। इस निर्णय के अनुसार इस खनिज के निकालने का परमिट केवल डी० एस० आई० डी० सी० को ही जारी किया जाना था और किसी अन्य व्यक्ति को परमिट नहीं दिया जाना था। इसका अर्थ यह हुआ कि डी० एस० आई० डी० सी० को एकाधिकार प्रदत्त कर दिया गया जो संविधान के अनुच्छेद 19(6) (II) के अन्तर्गत वैधानिक था। सरकारी अथवा सरकार द्वारा नियंत्रित निगम का एकाधिकार संविधान के अनुच्छेद 19(6) (II) द्वारा विधि सम्मत बना दिया जाता है क्योंकि किसी भी राज्य अथवा सरकारी या सरकार द्वारा नियंत्रित निगम द्वारा लोकहित अपेक्षाकृत अधिक अच्छे ढंग से देखा जा सकता है। जब डी० एस० आई० डी० सी० ने इसे अपने हाथ में लिया, तब उसे यह पता लगा कि खान अधिनियम की धारा 22(3) के अन्तर्गत जारी किए गए निवेधात्मक आदेश द्वारा इस क्षेत्र में पहले ही इस खान में कार्य बन्द किया जा चुका था जिसे 1970 में अब पुरानी भाटी खान कहा जा सकता है। उसे यह भी पता चला कि धारा 22(3) के अधीन निवेधात्मक आदेश जारी करने का एकमात्र कारण यह था कि खनन की वर्तमान प्रणाली के अन्तर्गत खान में काम पर लगाए गए किसी भी व्यक्ति के जीवन अथवा सुरक्षा को निश्चित रूप से नुकसान खतरा था।

डी० एस० आई० डी० सी० ने क्या किया

डी० एस० आई० डी० सी० एक निगम था और अब भी है। इसका स्वरूप सरकार से अलग है। इसके बोर्ड के निदेशकों और अधिकारियों को डी० एस० आई० डी० सी० के या निदेशक अथवा कर्मचारी के नाते खानों की सुरक्षा को सुनिश्चित करने का उत्तरदायित्व निभाना है। इसका

कारण यह है कि डी० एस० आई० डी० सी० इस अधिनियम की धारा 2 (ख) में दिए गए शब्द "स्वामी" की परिभाषा के अनुसार खान का स्वामी था। साधारणतया, इस अधिनियम के अन्तर्गत महाप्रबंधक (खान) को एजेंट और व्यक्तिगत खान के मैनेजर को मैनेजर समझा जाएगा। विनियम 106 के अनुपालन का उत्तरदायित्व अधिनियम की धारा 18 (1) के अन्तर्गत स्वामी, एजेंट और मैनेजर का था। उनके द्वारा ऐसे पूर्वोपायों के न अपनाए जाने के कारण महाप्रदेशालय खान-सुरक्षा ने उन पर अभियोग लगाए। ऐसी परिस्थितियों में डी० एस० आई० डी० सी० के लिए विभागीय तौर पर खानों का कार्य करने के अतिरिक्त कोई विकल्प नहीं था। उन्होंने ऐसा क्यों नहीं किया इसका उत्तर दो रिपोर्टों में दिया गया है, एक रिपोर्ट 1977 में डी० एस० आई० डी० सी० द्वारा स्वयं तैयार कर दी गई है और दूसरी रिपोर्ट 1981 में डी० एस० आई० डी० सी० के मैनेजिंग डायरेक्टर द्वारा तैयार की गई है जो कार्यकारी दल के सयोगक रहे और इस कार्यकारी दल में आयुक्त कलक्टर (खान) तथा खान-सुरक्षा के उप-निदेशक सम्मिलित थे।

डी० एस० आई० डी० सी० द्वारा भाटी खनन परियोजना पर 1977 की संशोधित व्यवहार्यता रिपोर्ट :

आग दिए गए उद्धरण संगत हैं :

4.3 आजकल कार्य ठेकेदार बालू निकालने के लिए काम पर लगाए गए हैं। प्रत्येक ठेकेदार को एक विशेष क्षेत्र आवंटित कर दिया गया है जिसमें से वह धूल मिट्टी हटाता है और बैचें तैयार करके नीचे दबे उपयोगी खनिज (पेन्मनरल) खोदता है। यह कार्य हमारे खनन इंजीनियरों के पर्यवेक्षण में किया जाता है। कड़ाई के साथ किए गए पर्यवेक्षण से यह सम्भव हो गया है कि इन उपयोगी खनिज के स्थल में बैचें निर्मित की जायें क्योंकि इससे खनिजों की अच्छी कीमत मिलती है। परन्तु धूल-मिट्टी के बाचे में प्राप्त अनुभव के परिणाम दुःखद रहे हैं।

5.3 इस प्रकार की धूल-मिट्टी को हटाने का कार्य 60 वर्षों की अवधि में किया जा सकता है। प्रति-दिन कार्य-मात्रा इस प्रकार है :

कुल धूल-मिट्टी : 3.92 एम० एम०³

प्रतिदिन कार्य-क्षमता : 54 ट्रक

यह सुझाव है कि इस कार्य को ठेका देकर मजदूरों से कराया जाय। इसमें किया गया अतिरिक्त व्यय "ए" और "बी" ग्रेड पर कर-निर्धारण में वृद्धि करके वर्तमान 20 रु० प्रति ट्रक से बढ़ाकर नई दर 25 रु० प्रति प्रति ट्रक कर ली जायेगी।

5.4 प्रथम वर्ष के दौरान अधिक कड़ाई के साथ पर्यवेक्षण किया जायेगा ताकि इस अवधि के अन्त तक आवश्यक किनारे के ढाल और बैचें तैयार हो जाएं। इस अवधि के दौरान यह संभव नहीं होगा कि बैचों पर ट्रक भरने की सुविधाएं

उत्पन्न की जाएं। इसलिए वर्तमान तरीके को संक्रमण-काल में बनाए रखने का प्रस्ताव किया जाता है।

6.4 प्रतिदिन 1000 ट्रकों के भरने के लिए कुल 2000 मीटर सतह की लम्बाई की आवश्यकता होगी और इस काम पर लगाने के लिए 3000 मजदूरों की आवश्यकता होगी। इस गति के विगति हो जाने के बाद कार्य को इस प्रकार नियमित करने का प्रस्ताव है कि "ए" और "बी" ग्रेडों की 6 बैचों तक ही कार्य को सीमित किया जाए। यदि इन्हीं छः बैचों में सभी कार्य पूरा किया जाना है तो प्रत्येक बैच की लम्बाई 333 मीटर होगी। इनके अलावा "सी" ग्रेड में कम से कम दो पूरी बैचें होंगी अर्थात् चार आधी बैचें होंगी।

6.9 विनियम के अनुसार इन बैचों की चौड़ाई ऊँचाई से अधिक नहीं होनी चाहिए। परन्तु जिस स्थान पर ट्रक भरे जाएं वहाँ बैच को 10 मीटर चौड़ा किए जाने का सुझाव है ताकि

खनन क्रियाओं के कारण ट्रकों के आने-जाने में रुकावट न हो। पर्यवेक्षक स्टाफ बैच की चौड़ाई के अनुरक्षण को कड़ाई से लागू करेगा।

यह सुझाव है कि प्रति चौथी बैच को धूल-मिट्टी भरने वाली बैच बनाया जाए और इसकी चौड़ाई 10 मीटर रखी जाए। ऊपर की तीनों बैचों की ऊँचाई 1.5 मीटर होगी और इन बैचों की चौड़ाई भी उतनी ही होगी। इन तीन बैचों के ऊपरी भाग से धूल-मिट्टी आदि चौथी बैच के ट्रकों पर लादी जायगी।

15. यह प्रस्ताव है कि राजस्व वसूली की पद्धति और ठेकेदारों के प्रबंध को इस प्रकार संशोधित कर लिया जाए ताकि ठेकेदारों को पूर्ण निर्धारित दर पर उत्पाद बेचने की अनुमति मिल सके। इन दरों को इस प्रकार निर्धारित किया जायेगा कि वे स्वीकृत सरकारी मानक दरों के समान होंगी। इन दरों को निर्धारित करते समय उत्पादन की लागत, वेधमाल तथा स्टाफ के अनुरक्षण की लागत और बिक्री के लिए आवश्यक प्रयत्नों पर भी विचार किया जायेगा।

बैचों का निर्माण व्यावहारिक था

1977 की यह व्यावहारिकता रिपोर्ट भाटी खान के कार्य की व्यावहारिकता और इसके कार्य करने के सही उपाय के बारे में आवश्यक रूप से संबंधित है। इससे यह प्रकट होता है कि डी० एस० आई० डी० सी० अपनी ओर से पूर्ण सतर्क था कि बैचों का निर्माण किया जाता है। यह स्थिति विनियम 106 के अनुसार थी। इस रिपोर्ट में उन ठेकेदारों के बारे में उल्लेख है जो खनिज निकाल रहे हैं, और इसमें बैचों के निर्माण आदि के बारे में कठोरता से पालन करने की आवश्यकता पर भी जोर दिया गया है। रिपोर्ट में यह कहीं नहीं कहा गया है कि बैचों के बनवाने में और ठेकेदारों को ऐसा करने के लिए अनुशासित करने में कठिनाई है। रिपोर्ट में ऐसा कोई कारण भी नहीं दिया गया है कि डी० एस० आई० डी० सी० विभागीय रूप से इस कार्य को अपने हाथ में लेकर

क्यों नहीं कर सकता। यह केवल एक परिणाम निकालने की ही बात है कि डी० एस० आई० डी० सी० ने ठेकेदारों द्वारा खान के कार्य कराने में संतोष कर लिया। लेकिन डी० एस० आई० डी० सी० ने यह कभी भी नहीं कहा है कि वे ठेकेदारों द्वारा सुरक्षा पूर्वोपायों का पालन सुनिश्चित नहीं करा सकते। इससे दो निष्कर्ष निकलते हैं: (क) या तो डी० एस० आई० डी० सी० को यह आशा थी कि विनियम 106 का पालन ठेकेदारों द्वारा किया जाएगा या (ख) कि डी० एस० आई० डी० सी० ने इस बात की परवाह नहीं की कि ठेकेदारों ने ऐसा किया है अथवा नहीं।

हमारे सम्मुख कार्रवाई के दौरान श्री जे० आर० बोहरा, महाप्रबंधक(खान) ने यह बताया है कि खानों की विशेष परिस्थितियों में ठेकेदारों द्वारा कार्य कराया गया अतः डी० एस० आई० डी० सी० के लिए यह संभव नहीं था कि विभागीय तौर पर खानों का कार्य कराया जाए अर्थात् यह सुनिश्चित किया जाए कि ठेकेदार विनियम 106 को ध्यान में रखते हुए कार्य करते हैं। डी० एस० आई० डी० सी० के मैनेजिंग डायरेक्टर श्री भट्टाचार्य ने इस बात का खंडन नहीं किया है कि डी० एस० आई० डी० सी० द्वारा खनन के लिए सुरक्षित नए क्षेत्र में विभागीय रूप से कार्य किया जा सकता था परन्तु उन्होंने केवल इतना ही कहा कि मजदूर उस क्षेत्र में कार्य करने के लिए नहीं आ रहे थे। वह और श्री बोहरा दोनों को ही यह आशंका थी कि मौजूबा ठेकेदार डी० एस० आई० डी० सी० द्वारा विभागीय आधार पर खनन कार्य को लेने का विरोध करेंगे। उनका यह विचार था कि यह कानून और व्यवस्था की समस्या थी और इस समस्या के समाधान के लिए सहায়ता हेतु बड़े पैमाने पर पुलिस की आवश्यकता पड़ती। परन्तु डी० एस० आई० डी० सी० ने 1977 की व्यवहार्यता रिपोर्ट में ऐसे विचार का कोई भी संकेत नहीं दिया है।

नवम्बर 1981 के कार्यकारी दल की रिपोर्टें

पैरा एक और दो में कार्यकारी दल के गठन के बारे में बताया गया है जिसकी रिपोर्ट यह थी कि किनारों के घंस जाने के कारण खान में घातक दुर्घटनाएं हुईं। स्पष्टतया इन किनारों पर बैचों का निर्माण नहीं किया गया था। पैरा तीन में दल ने डी० एस० आई० डी० सी० की क्रिया-विधि के विरुद्ध की गई जिन आलोचनाओं को स्वीकार किया है, वे इस प्रकार हैं।

(क) ठेकेदारों द्वारा मजदूरों के काम पर लगाने के संबंध में डी० एस० आई० डी० सी० के प्रभावकारी पर्यवेक्षण का अभाव।

(ख) डी० एस० आई० डी० सी० खनन-क्रिया में एक एजेंसी के रूप में ही लगी रही और उसने चैक-पोस्ट पर रायल्टी एकत्र की।

(ग) ठेकेदारों द्वारा मजदूरों का शोषण इस हद तक किया गया कि उन्हें मोत के मुंह में डकेल दिया गया।

(घ) यह संदेह है कि दिल्ली प्रशासन के अरिष्ठ अधिकारियों की मिलीभगत से ठेकेदार खानों का कार्य कर रहे हैं जबकि महानिदेशालय, खान-सुरक्षा द्वारा खानों में कार्य करने पर प्रतिबंध लगा दिया गया था।

(ङ) ठेकेदारों के राजनीतिक सम्पर्कों के कारण डी० एस० आई० डी० सी० की निष्क्रियता।

फिर भी रिपोर्ट के अवलोकन से कहीं भी यह विदित नहीं होता कि इन आलोचनाओं का उत्तर देने के लिए युक्तियुक्त प्रयास किया गया है।

इस रिपोर्ट के पैरा 10 में यह बताया गया है कि ठेकेदारों ने नई भांटी खान में पुराने तरीके से काम करना जारी रखा और महानिदेशालय खान-सुरक्षा ने धारा 22(1) के अधीन डी० एस० आई० डी० सी० को एक नोटिस जारी किया ताकि निर्धारित समय में कमियों को सुधार लिया जाए लेकिन पहले जो समय दिया गया था उसमें वृद्धि भी की गई फिर भी कोई सुधार नहीं देखा गया और 14-12-1978 को महानिदेशालय, खान-सुरक्षा द्वारा अधिनियम की धारा 22 (1 क) के अन्तर्गत आदेश जारी किया गया। पैरा 12 में यह उल्लेख है कि कार्यकारी दल ने स्पष्ट रूप से यह सिफारिश की थी कि डी० एस० आई० डी० सी० को वास्तविक खनन क्रियाओं में अपनी भूमिका का प्रसार करना चाहिए लेकिन पैरा 14 में यह तर्क दिया गया है कि :

(1) जो ठेकेदार स्वतंत्र रूप से खनिजों को निकाल सकते थे और उन्हें बेच सकते थे उनके और प्रबंधकों के बीच ऐसे संबंध रहे जिसके कारण वे प्रबंधक ठेकेदारों पर यह जोर नहीं दे सकते कि उन ठेकेदारों को निर्धारित विशिष्टताओं के अनुसार ही खानों में काम करना है।

(2) खनन कार्य अव्यवस्थित और जोखिम से भरपूर बना रहा।

महानिदेशालय खान-सुरक्षा के आदेशों का उल्लंघन :

महानिदेशालय खान-सुरक्षा के निषेधात्मक आदेश द्वारा 1970 में पुरानी भांटी खान बंद कर दी गई थी। धारा 22 (1क) के अन्तर्गत महानिदेशालय खान-सुरक्षा के आदेश द्वारा नई भांटी खान भाग "ए" दिसम्बर 1978 में बंद कर दी गई थी। महानिदेशालय खान-सुरक्षा के आदेश द्वारा नई भांटी खान भाग "बी" को सितम्बर, 1982 में बंद कर दिया गया। इन आदेशों के बावजूद ठेकेदारों द्वारा निषिद्ध क्षेत्रों में कार्य जारी रहा और डी० एस० आई० डी० सी० ठेकेदारों से प्रति टुक निर्धारित भुगतान प्राप्त करता रहा। इसके बाद जनवरी 1983 में तीन दुर्घटनाएं हुईं। 18-1-1983 से ही डी० एस० आई० डी० सी० द्वारा खानें वास्तव में बंद की गईं।

डी० एस० आई० डी० सी० का स्पष्टीकरण :

रिपोर्ट के पैरा 15 में यह कहा गया है कि दिल्ली प्रशासन ने भारी दुर्घटना के बाद अगस्त 1980 में ही ठेका-कार्य-प्रणाली को समाप्त करने के लिये निर्णय किया था इसके बाद रिपोर्ट में कहा गया है -

“परन्तु यह कार्यान्वित नहीं किया जा सका और इसके बजाए तत्कालीन ठेकेदारों के साथ ग्यारह महीने की अवधि के लिए करार किए गए जिसका उद्देश्य यह था कि उन्हें सुरक्षित और व्यवस्थित रूप में खानों में कार्य करने दिया जाए। एक वर्ष से अधिक समय बीत चुका है परन्तु यह दुर्घटनाएं पत्थर और बदरपुर बालू खान दोनों में ही बहती जा रही हैं”।

इस बात का कोई भी कारण नहीं दिया गया है कि विभागीय तौर पर खान में कार्य करने के निर्णय को कार्यान्वित क्यों नहीं किया जा सका। इसके कारण यह आलोचना की गई है कि डी० एस० आई० डी० सी० या तो नितान्त अक्षम है या खान के अवैध कार्य के लिए मिलीभगत रखता है। विभागीय कार्य अथवा प्रभावकारी नियंत्रण व्यवहारिक है पैरा 22 का यह निष्कर्ष है और इसे फिर से उद्धृत करना संगत है। यह पैरा इस प्रकार है :

“इसके अलावा जैसा कि पहले कहा गया है कि दीर्घकालीन साधन के रूप में यह आवश्यक होगा कि खानों के प्रबंध की ऐसी प्रणाली प्रारम्भ की जाए जिसके द्वारा खनिजों का उत्पादन और उनकी बिक्री दोनों ही निगम के प्रभावकारी नियंत्रण में साईं जाएं इस समय सभी खानों में कार्यप्रणाली बिखरी स्थिति में है, इसका परिणाम यह है कि उत्पादन और सुरक्षा दोनों की ही दृष्टि से प्रभावकारी नियंत्रण संभव नहीं है। उदाहरणार्थ भांटी खान में प्रतिदिन लगभग 10 हजार टन का उत्पादन (वर्तमान आवश्यकता) 10 गतों से ही प्राप्त किया जा सकता है जबकि 100 से भी अधिक गतों विद्यमान हैं जो इस क्षेत्र में काम में लाए जा रहे हैं। यह सभी कार्य नई भांटी खान के अपेक्षाकृत अधिक सुरक्षित स्थानों में केन्द्रित किया जा सकता था। इससे खानों के कार्य पर अपेक्षाकृत अधिक पर्यवेक्षण सुनिश्चित होता”।

इस प्रकार यह स्पष्ट है कि डी० एस० आई० डी० सी० लगभग 10 या इससे कुछ कम गतों से लगभग 10 हजार टन खनिज पदार्थ प्रतिदिन निकालने के लिए अपना ध्यान केन्द्रित कर सकता है। यह कार्य या तो विभागीय मजदूरों को काम पर लगाकर अथवा खनन-ठेकेदारों को काम पर लगाकर किया जा सकता है। वर्तमान ठेकेदारों और खनन ठेकेदारों का अन्तर स्पष्ट है। वर्तमान ठेकेदारों को उन खनिजों के स्वामी बनने की अनुमति दे दी जाती है जो वे खोदते हैं और वे खरीददारों को खनिज पदार्थ बेचते हैं तथा डी० एस० आई० डी० सी० को प्रति टुक भार के

हिसाब से 30 रुपए की निर्धारित राशि अथवा इतनी ही राशि का भुगतान करते हैं। परन्तु खनन ठेकेदार खनिजों के स्वामी नहीं होंगे और डी० एस० आई० डी० सी० के लिए निर्धारित भुगतान प्राप्त करने हेतु खनिजों को केवल निकालेंगे। यह खनिज डी० एस० आई० डी० सी० बेंचेंगे और खनन-ठेकेदार नहीं।

कार्यकारी दल ने जो अंतिम निष्कर्ष निकाले हैं वे इस प्रकार हैं :

“रिपोर्ट के समाप्त करने से पूर्व कार्यकारी दल रिपोर्ट में की गई सिफारिशों के प्रति सावधानी रखने के लिए कुछ कहना चाहेगा। आजकल जो कार्य-पद्धति चल रही है, उसके अनुसार ठेकेदारों को खनिजों को निकालने की स्वतंत्रता है और वे उन खानों से निकाले गए खनिजों को स्वयं बेच सकते हैं जहां वे वर्षों से काम कर रहे हैं। डी० एस० आई० डी० सी० अपनी उन चेक पोस्ट से निर्धारित कर एकत्र करती है जहां से टुक खनन क्षेत्र में प्रवेश करते हैं। इससे एक ऐसी स्थिति पैदा हुई है जहां ठेकेदारों ने समस्त खनन-क्रियाओं पर लगभग स्वतंत्र नियंत्रण प्राप्त कर लिया है और उसके साथ वित्तीय लाभों को भी हथिया लिया है तथा वे उन सभी प्रयत्नों का विरोध करते हैं जो डी० एस० आई० डी० सी० खानों की कार्यपद्धति की कमियों को दूर करने के लिए लागू करना चाहती है और वे ठेकेदार इस संबंध में डी० एस० आई० डी० सी० द्वारा जो भी निदेश जारी किए जाते हैं उनकी अवहेलना कर देते हैं। अर्हता प्राप्त मैनेजर, फोरमैन और खनन मेटों की काफी संख्या में नियुक्ति की गई है लेकिन वे उन कार्यकर्ताओं पर प्रभावकारी नियंत्रण रखने में असमर्थ हैं जो खतरे भरे स्थानों में कार्य कर रहे हैं यद्यपि उन्हें लिखित रूप से उस कार्यपद्धति में सुधार के लिए निदेश दिए गए हैं। कार्यकारी दल को यह भी पता चला है कि उन कार्यक्षेत्रों को खरीदने और बेचने की भी पद्धति है जिसके अनुसार कुछ समय से एक लाख रुपए तक की राशि ली जाती है। इसलिए कार्यकारी दल को यह आशंका है कि खानों के कार्य करने की वर्तमान पद्धति में किसी प्रकार का कोई सुधार नहीं लाया जा सकता। फिर भी कार्यकारी दल यह महसूस करता है कि जब तक वर्तमान कार्य पद्धति चलती रहेगी तब तक मजदूरों की दशा में सुधार नहीं होगा और खानों में असुरक्षित कार्य करने की परिस्थितियों के कारण मजदूर मरते रहेंगे तथा इस स्थिति से बचा भी नहीं जा सकता।”

मेरे विचार से पैरा 32 को पैरा 22 के संदर्भ में पढ़ा जाए। तब यह विदित होगा कि डी० एस० आई० डी० सी० द्वारा खानों में कार्य करना या तो विभागीय स्तर पर या खनन-ठेकेदार रखकर करवाना व्यावहारिक है और

ठेकेदारों द्वारा कोई भी गैरकानूनी अथवा हिंसात्मक प्रतिरोध के भय मात्र बढ़ा-चढ़ाकर कहने वाली स्थिति है। किसी भी दशा में डी० एस० आई० डी० सी० के मैनेजिंग डायरेक्टर श्री भट्टाचार्य के अनुसार डी० एस० आई० डी० सी० उन मजदूरों की प्रशिक्षण कर रहा है जो नए खान-क्षेत्र में डी० एस० आई० डी० सी० के लिए विभागीय स्तर पर आकर काम करेंगे। डी० एस० आई० डी० सी० के बुलावे पर अभी तक मजदूर काम पर क्यों नहीं आ पाए, इसके दो कारण हैं: पहला कारण यह है कि ठेकेदार उन मजदूरों से यह कह रहे हैं कि डी० एस० आई० डी० सी० के लिए काम न करें क्योंकि ठेकेदार अपने कब्जे से ही वंचित हो जाएंगे। दूसरा कारण यह है कि मजदूरों को भी डी० एस० आई० डी० सी० के साथ अपनी मजदूरी तय करनी है। अभी तक ठेकेदार मजदूरों को उजरती मजदूरी देने से और मजदूरों का सारा परिवार खान में काम करता था जिसमें श्रम कानून के विरुद्ध उनके बच्चे भी सम्मिलित कर लिए गए थे और महिलाएं भी रात में काम किया करती थीं। डी० एस० आई० डी० सी० बच्चों और रात में महिलाओं को काम करने की अनुमति नहीं देगा। इसके फलस्वरूप मजदूरी पहले की अपेक्षा कम होगी लेकिन यह एक ऐसी समस्या नहीं है जिसका समाधान न हो। डी० एस० आई० डी० सी० मजदूरों को उजरती मजदूरी देने की सहमति होगा और यह आशा की जाती है कि मजदूर भी उन मजदूरियों को स्वीकार कर लेंगे तथा इस बात पर जोर नहीं देंगे कि बच्चों को कार्य करने की अनुमति दी जाए अथवा महिलाओं को रात में कार्य करने दिया जाए।

विचारणीय विषय :

ऊपर बताई गई पृष्ठभूमि के प्रकाश में हम विचारणीय विषय पर अपनी कार्यवाही करेंगे।

दुर्घटनाओं के कारण :

डी० एस० आई० डी० सी० ने अपने परामर्शदाता वकील श्री आर० एल० टण्डन द्वारा हस्ताक्षरित लिखित वक्तव्य के पैरा 2 में यह स्वीकार किया है कि सभी तीनों दुर्घटनाएं जो 10, 16, और 24 जनवरी 1983 को घटी थीं, गतों के किनारों के घसने के कारण हुई जहां तल पर पीड़ित मजदूर इन खानों में काम कर रहे थे। महानिदेशक, खान-सुरक्षा ने भी जांच की और इन दुर्घटनाओं के घटने के बारे में साक्ष्य प्राप्त किया। यह साक्ष्य भुसे उपलब्ध कराया गया क्योंकि महानिदेशक खान-सुरक्षा ने इन दुर्घटनाओं के संबंध में अपनी रिपोर्ट प्रस्तुत नहीं की थी क्योंकि जांच न्यायालय की नियुक्ति कर दी गई थी। इस साक्ष्य से भी यह विदित होता है कि ये दुर्घटनाएं गतों के घस जाने के कारण हुई। पीड़ित व्यक्ति मलबे में दब गए।

इन गतों के किनारों का घसना गत वर्षों में भी बराबर चलता रहा और इन खानों में दुर्घटनाओं के मूल कार

यही रहे नवम्बर, 1981 में कार्यकारी दल की रिपोर्ट के पैरा 2 में इन दुर्घटनाओं के विवरण दिए गए हैं जिनके कारण मौतें हुई हैं। 1977 में तीन, 1978 में छः, 1979 में दो, 1980 में आठ और 1981 (20-10-81 तक) में दस मौतें हुई। इन सभी मौतों का कारण गतों के तलों के किनारों का घसना या बैठ जाना था जहाँ पीड़ित व्यक्ति काम कर रहे थे।

गाजियाबाद क्षेत्र के खान-सुरक्षा निदेशक श्री एस० कुमार ने 10.16 और 24 जनवरी, 1983 को दुर्घटनाओं के कारणों के संबंध में बयान दिया है। 10 जनवरी, 1983 को दुर्घटना नयी भाटी खान भाग "ए" में घटी जबकि 16 और 24 जनवरी, 1983 की दुर्घटनाएं पुरानी भाटी खान में घटित हुई। श्री कुमार ने ठीक ही कहा है कि धातुमय खान विनियमावली, 1961 के विनियम 106 के उपबंधों के पालन न करने के कारण किनारे धंस गए और खान अधिनियम 1952 की धारा 18 के अन्तर्गत स्वामी, एजेंट और मैनेजर ऊपर बताए गए विनियम के उपबंधों का उल्लंघन करने के लिए उत्तरदायी हैं। महानिदेशक, खान-सुरक्षा को कभी भी यह सूचित नहीं किया गया कि कानूनी तौर पर स्वामी और मैनेजर के अतिरिक्त इन खानों में संश्लेषण व्यक्ति भी काम कर रहे थे। इस बात में कुछ अनिश्चितता है कि क्या डी० एस० आई० डी० सी० को जो कि इन खानों का स्वामी था, के द्वारा एजेंट के रूप में नियुक्त किया गया था। श्री बोहरा को यह सिद्ध करने में कठिनाई हुई कि एजेंट के रूप में उनकी नियुक्ति नहीं की गई थी। वस्तुतः यह तथ्य ध्यान देने योग्य नहीं है। विनियम 106 के पालन करने का उत्तरदायित्व निस्संदेह डी० एस० आई० डी० सी० का ही है और डी० एस० आई० डी० सी० ने भी इस बात का खंडन नहीं किया है कि उसने विनियम 106 का पालन नहीं किया है। यह भी संभव नहीं था कि उन ठेकेदारों को भी कोई कानूनी हैसियत दे दी जाए जो खानों में कार्य कर रहे थे। 23-11-1975 को एकमात्र परमिटधारी के रूप में डी० एस० आई० डी० सी० की नियुक्ति के बाद इन लोगों के पास कोई परमिट नहीं था। वे वास्तव में खानों में काम कर रहे थे परन्तु उन्हें कानूनन किसी प्रकार का अधिकार न था। डी० एस० आई० डी० सी० यह जानता था कि वह इन ठेकेदारों को परमिट ट्रांसफर नहीं कर सकता। डी० एस० आई० डी० सी० एकमात्र परमिटधारी होने के नाते इन खानों के स्वामी के रूप में विनियम 106 के पालन करने के लिए उत्तरदायी था।

यदि डी० एस० आई० डी० सी० कानून के अनुसार काम करना चाहता था तो उसके लिए केवल दो ही विकल्प थे जो नवम्बर, 1981 में कार्यकारी दल की रिपोर्ट में स्पष्ट रूप से मान लिए गए थे। या तो वह अपने आप ही मजदूर रखकर विभागीय रूप में खानों का काम कराता अथवा वह केवल खनन-ठेकेदार या मजदूर-ठेकेदारों को का-

पर लगाता जो डी० एस० आई० डी० सी० से उसी प्रकार मजदूरी प्राप्त करते जैसे कि वास्तव में खान में कार्य करने वाले मजदूर लेते हैं। लेकिन उन्हें छोड़े गए खनिजों में किसी प्रकार का कोई अधिकार नहीं होता। दुर्भाग्यवश डी० एस० आई० डी० सी० ने इन विकल्पों में से किसी को भी स्वीकार नहीं किया। इसके विपरीत डी० एस० आई० डी० सी० ने ठेकेदारों को यह अनुमति दे दी कि वे खनिजों के स्वाधित्व पर अपना अधिकार बनाए रखें क्योंकि डी० एस० आई० डी० सी० को निर्धारित 27 रुपए या ऐसी ही कोई राशि प्रति ट्रक के हिसाब से और बिक्री कर की राशि जो प्रति ट्रक 4 रुपए या ऐसी ही राशि थी, प्राप्त हुई और डी० एस० आई० डी० सी० ने ठेकेदारों को यह अनुमति दे दी कि वे खरीदारों को खनिज बेच सकते हैं। बिक्री मूल्य और खनिजों के खनन की लागत के अन्तर का लाभ खानों के स्वामी को मिलना चाहिए था। परन्तु यह लाभ अवैध रूप से ठेकेदारों ने हथिया लिया।

इसलिए इन दुर्घटनाओं का मुख्य कारण इन खानों में वास्तविक कार्य-पद्धति के संबंध में विनियम 106 के पालन करने के लिए विधिसम्मत उत्तरदायित्व से अलग होना है। यह उत्तरदायित्व डी० एस० आई० डी० सी० ने उठाया जबकि खनन का कार्य ठेकेदारों द्वारा किया गया। विनियम 106 के वास्तविक पालन की आवश्यकता के अनुसार बेंचों का निर्माण करना था जिनसे ही खानों में काम करने वाले कार्यकर्ताओं की सुरक्षा प्राप्त की जा सकती थी। इन गतों के किनारों पर इन बेंचों के निर्माण का एकमात्र उद्देश्य यही था कि किनारे धंसने से बच जाएं जो खनिजों के निकालने के लिए खोदे गए थे। यह डी० एस० आई० डी० सी० और यहां तक कि ठेकेदारों द्वारा स्वीकार किया गया तथा खान सुरक्षा के निदेशक और खानों में कार्य करने वाले मजदूरों के प्रतिनिधियों द्वारा जोर दिया गया कि बेंचों के निर्माण के पूर्वोपाय किए जाने से पहले इन खानों में कानूनी तौर पर काम करने की अनुमति नहीं दी जानी चाहिए थी।

लेकिन विवादास्पद स्थिति इस प्रकार थी। डी० एस० आई० डी० सी० के ठेकेदारों और मजदूरों द्वारा विनियम 106 तथा अन्य सुरक्षा पूर्वोपायों का पालन करवाने के लिए प्रयास किया। डी० एस० आई० डी० सी० के मैनेजरों और खनन मेंटों ने विनियम 106 और अन्य पूर्वोपायों का उल्लंघन करने वाले ठेकेदारों और मजदूरों के विरुद्ध रिपोर्ट की। ये रिपोर्ट दो प्राधिकारियों निदेशक, खान-सुरक्षा और पुलिस अधिकारियों को की गई। इन रिपोर्टों के किए अथवा न किए जाने पर भी निदेशक, खान-सुरक्षा खान अधिनियम 1952 के अध्याय 4 के अन्तर्गत कानूनी कार्यवाहियों को कर रहे थे। खनन क्रियाएं प्रारम्भ करने से पूर्व खानों के स्वामी, एजेंट अथवा मैनेजर को अधिनियम की धारा 16 (1) के अन्तर्गत निदेशक, खान-सुरक्षा और अन्य अधिकारियों को सूचना देनी होती है। इस अधिनियम की धारा 17

के अन्तर्गत प्रत्येक खान को उस मैनेजर के अधीन होना चाहिए जो खानों के नियंत्रण, प्रबंध, पर्यवेक्षण और मार्गदर्शन के लिए उत्तरदायी होता है। डी० एस० आई० डी० सी० के इन खानों के स्वामी होने के नाते इन कार्यों को पूरा करने के लिए मैनेजर नियुक्त किए। धारा 18(1) के अन्तर्गत प्रत्येक खान का स्वामी, एजेंट और मैनेजर इस बात के लिए उत्तरदायी होते हैं कि इस संबंध में जो भी कार्य किए जाते हैं, वे सभी कार्य अधिनियम के उपबंधों और विनियमों के अनुसार किए जाएं। धारा 18 (2) के अन्तर्गत किसी भी व्यक्ति—चाहे वह कोई भी क्यों न हो, (इस मामले में ठेकेदार) द्वारा किसी उपबंध के उल्लंघन करने की दशा में, खान के स्वामी, एजेंट या मैनेजर को इस उल्लंघन के लिए दोषी समझा जाएगा जब तक कि वह यह सिद्ध न कर दे कि उन्होंने इस उल्लंघन को बचाने के लिए इन उपबंधों को लागू करने के हेतु अपनी शक्ति का भरपूर उपयोग कर लिया है और सभी उपयुक्त व्यवस्थाओं को लागू किया है। धारा 18 (3) में यह स्पष्ट बताया गया है कि इस धारा के अन्तर्गत किसी भी खान के स्वामी या एजेंट के विरुद्ध की गई कार्यवाहियों के पक्ष में यह तथ्य संगत न होगा कि खान के मैनेजर की नियुक्ति इस अधिनियम के उपबंधों के अनुसार की गई है।

निष्कर्ष :

डी० एस० आई० डी० सी० ही इन दुर्घटनाओं के घटित होने के लिए एकमात्र उत्तरदायी था क्योंकि यह विनियम 106 के पालन को लागू कर सकता था और इस प्रकार इन दुर्घटनाओं को बचा सकता था। अलबत्ता किसी आपराधिक कार्यवाही में डी० एस० आई० डी० सी० अपने पक्ष में यह कह सकता है कि उसने अपनी शक्ति के अनुसार उल्लंघन को बचाने युक्तियुक्त साधनों का उपयोग कर लिया था। हमें इससे कोई सरोकार नहीं है कि निदेशक, खान-सुरक्षा ने डी० एस० आई० डी० सी० को कहां तक अभियुक्त ठहराया है और डी० एस० आई० डी० सी० अपने बचाव में कहां तक संगत दलीलें दे पाया है।

हमारा उद्देश्य आपराधिक उत्तरदायित्व सिद्ध करना बिलकुल नहीं है। हमारे सामने तो प्रश्न यह है कि क्या डी० एस० आई० डी० सी० विनियम 106 के पालन का मुनिश्चितता बनाए रखने में असफल रहा और इस प्रकार न केवल विधि-सम्मत बल्कि नैतिक रूप से भी इन दुर्घटनाओं के घटित होने के लिए उत्तरदायी था। डी० एस० आई० डी० सी०, पी० यू० सी० एल०, मजदूरों के प्रतिनिधियों, ठेकेदारों के प्रतिनिधियों दिल्ली प्रशासन के उद्योग विभाग के निदेशक, कार्यकर्ताओं और डी० एस० आई० डी० सी० के परामर्शदाता वकील श्री आर० एल० टण्डन के विचारों और तर्कों के मुद्दे के बाद हम यही निष्कर्ष निकाल सके कि इन दुर्घटनाओं के घटित होने की विधि सम्मत और नैतिक उत्तरदायित्व डी० एस० आई० डी० सी० का ही है जिसको मात्र स्पष्टीकरण द्वारा टाला नहीं जा सकता। संक्षेप में इस निष्कर्ष के कारण इस प्रकार है:—

(1) जिस प्रकार कोई भी व्यक्ति खान और खनिज (विनियम और विकास) अधिनियम, 1957 की धारा 4 के परिप्रेक्ष्य में राज्य सरकार द्वारा दिए गए पट्टे के अनुसार उपबंध के सिवाय किसी बृहद् खनिज का खनन कार्य नहीं कर सकता, ठीक इसी प्रकार कोई भी व्यक्ति सबसे पहले दिल्ली लघु खनिज नियमावली, 1962 के वाक्य खण्ड 3 के अनुसार खानों के कलक्टर से परमिट प्राप्त किए बिना न तो खनिज खोद सकता है और न ही खुदवा सकता है। ऊपर बताए गए नियमों के वाक्य खण्ड 4 के अधीन इस प्रकार के परमिट प्राप्त करने के लिए आवेदन-पत्र देना चाहिए और डी० एस० आई० डी० सी० ने ऐसा ही किया होगा। यह कोई महत्व की बात नहीं है कि खान सरकारी भूमि पर स्थित है अथवा निजी भूमि पर। इस नियमावली के नियम 27 में इस बात का निवेध है कि जिस भूमि पर खान स्थित हो, उसमें परमिटधारी को खनिज खोदने के लिए कोई भी स्वामी रोक नहीं सकता। भूमि अधिग्रहण अधिनियम (लेण्ड एक्वीजिशन एक्ट) के उपबंधों को दृष्टि में रखते हुए खानों के कलक्टर द्वारा निर्धारित प्रतिकर पाने का अधिकार भू-स्वामी को है। इसलिए डी० एस० आई० डी० सी० ही खान अधिनियम, 1952 की धारा 2 (1) की दृष्टि से एकमात्र परमिटधारी के नाते इन खानों का स्वामी था।

(2) विनियम 106 के अनुसार आवश्यक बेंचों के निर्माण के लिए डी० एस० आई० डी० सी० ही प्रत्यक्षरूप से उत्तरदायी था। इसे स्वयं बेंचों के निर्माणकार्य करना था अथवा ठेकेदारों/मजदूरों के ठेकेदारों के द्वारा करवाना था। इसने न तो स्वयं बेंचों का निर्माण किया और न ही खनन ठेकेदारों/मजदूर के ठेकेदारों से करवाया।

(3) यह सच है कि बेंचों के निर्माण का काम खनिजों पर पड़ी हुई धूल-मिट्टी को हटाने से पहले किया जाना चाहिए। धूल-मिट्टी के हटाने पर किया गया व्यय पूर्ण निवेश है और इससे लाभ खनिजों को खोदने और बेचने के बाद ही मिल सकता है। सरकार को इस व्यय की आवश्यकता की जानकारी थी और इसे पूरा करने के लिए तैयार थी। यह डी० एस० आई० डी० सी० का कर्तव्य था कि सरकार से इस प्रकार की वित्तीय सहायता ली जाये। तभी इसके लिए संभव हो पाता कि वह राशि को धूल-मिट्टी के हटाने के लिए काम में ला सके अथवा इस राशि में से ही ठेकेदारों को भुगतान करके धूल-मिट्टी को हटा सके।

(4) यह भी सच है कि परमिटों के जारी करने की प्रवृत्ति परमिटधारी हेतु दीर्घकालीन कार्य के लिए उपयुक्त नहीं थी। इसके लिए परमिटधारी को अग्रिम रूप से रायल्टी जमा करनी थी। चूंकि अधिक समय वाले इस परमिट के लिए इस प्रकार ओ राशि जमा की जानी थी, वह बहुत अधिक थी, इसलिए डी० एस० आई० डी० सी० को ग्यारह महीनों अथवा एक वर्ष का परमिट मिला और रायल्टी की राशि जमा कर दी गई। यह रायल्टी ऐसे

खनिजों के उत्पाद के आधार पर निकाली गई जो परमिट की अवधि के दौरान खोदे जाने वाले थे। फिर भी डी० एस० आई० डी० सी० को यह पता था कि सरकार की नीति निजी कारखानों द्वारा खानों का कार्य किये जाने की है क्योंकि नवम्बर, 1975 से पूव ठेकेदारों ने बारबार यह संकेत दिया है कि यदि खनन-कार्य उन्हीं पर छोड़ दिया गया तो वे विनियम 106 का कभी भी पालन नहीं करेंगे। डी० एस० आई० डी० सी० यह भी बताता है कि ठेकेदारों से बारबार निवेदन करने और चेतावनी देने पर भी उन्होंने विनियम 106 का पालन नहीं किया। इस प्रकार डी० एस० आई० डी० सी० यह जानता था कि उसके लिए प्रति वर्ष परमिट का नवीकरण कर दिया जायेगा। अतः डी० एस० आई० डी० सी० को खानों के दीर्घकालीन कार्य करने की पद्धति की योजना बनानी थी और उन्हें वास्तविक खनन कार्य प्रारम्भ करने से पूर्व ही धूल-मिट्टी के अधिभार को हटाना था। बँचों के अभाव में गतों के किनारे धमकने का मुख्य कारण धूल-मिट्टी को हटाने की दोषपूर्ण पद्धति ही थी। डी० एस० आई० डी० सी० को यह ज्ञान था कि ठेकेदारों से कभी भी यह आशा नहीं की जा सकती कि वह प्रभावकारी ढंग से धूल-मिट्टी हटा देंगे क्योंकि उन्हें कानूनन खनिज खोदने का कोई अधिकार नहीं था अतः बँचों निर्माण करने का भी उनका कोई उत्तरदायित्व नहीं था।

(5) डी० एस० आई० डी० सी० ने 1981 में प्रयोगात्मक आधार पर ठेकेदारों को लाइसेंस जारी किया। इन परमिटों के जारी करने का कारण स्पष्ट नहीं है। यदि इसका उद्देश्य खनन ठेकेदार/मजदूरों के ठेकेदारों को काम देना ही था तो इस उद्देश्य की पूर्ति नहीं हो सकी क्योंकि ठेकेदारों ने खनिजों के स्वामित्व का दावा किया और उन्हें बेचा। यदि इसका उद्देश्य यह था कि बँचों के निर्माण के लिए इस विधि-सम्मत उत्तर-दायित्व को ठेकेदारों को ट्रांसफर करना था तो यह स्थिति घातक ही थी क्योंकि परमिटधारी को ऐसा करने का प्राधिकार नहीं दिया गया था।

(6) जैसा कि ऊपर बताया गया है कि महानिदेशक, खान-सुरक्षा ने 1970 में पुरानी भाटी खानों—भाग “ए” और सितम्बर 1982 में नई भाटी खानों—भाग “बी” में काम करने के लिए निषेधात्मक आज्ञा जारी की थी। यह कार्य तब तक प्रारंभ नहीं किया जा सकता था जब तक कि ऐसे दोषों का सुधार न कर लिया जाय जो खानों में कार्य करने वालों की सुरक्षा के लिए खतरनाक थे। इस प्रकार दोषों को सुधारने के बिना खानों का वास्तविक कार्य विनियम 106 और अन्य पूर्वोक्तों का उल्लंघन ही न था अपितु महानिदेशक, खान-सुरक्षा द्वारा जारी किए गए निषेधात्मक आदेशों का उल्लंघन भी था। 28 जनवरी, 1983 को ही वस्तुतः खानों में कार्य बन्द करा दिया गया यद्यपि इसके बाद भी खानों में चोरी-छिपे इधर-उधर काम चलता रहा। परन्तु अधिकांश ठेकेदारों ने अपना-अपना काम हरियाणा की समीपवर्ती खानों में अन्तर्गत कर दिया था। उच्च डाकुओं के समान, जो अन्तरराज्य सीमाओं पर अपनी लूट-पाट में लगे रहते हैं, इन ठेकेदारों ने भी दिल्ली और

हरियाणा के मध्य सीमा पर खनिजों को खोदने का काम जारी रखा। जब दिल्ली के संबंधित अधिकारी उनसे पूछते थे तो वे यही उत्तर देते थे कि वे हरियाणा में काम कर रहे हैं और हरियाणा के अधिकारी के पूछने पर यही बताते थे कि वे दिल्ली में काम कर रहे हैं। यदि डी० एस० आई० डी० सी० ठेकेदारों द्वारा विनियम 106 के उल्लंघन को वस्तुतः नहीं रोक सका तो उसे परमिट के नवीकरण के लिए आवेदन-पत्र नहीं करना चाहिए था। ऐसी दशा में दिल्ली प्रशासन का खनन विभाग ठेकेदारों को खनन करने से रोकने के लिए उत्तरदायी हो जाता। दुर्भाग्यवश डी० एस० आई० डी० सी० परमिट के नवीकरण के लिए बराबर आवेदन करता रहा और फिर भी उसने विनियम 106 के पालन की सुनिश्चितता को बनाए रखने के लिए बल नहीं दिया और इस प्रकार दुर्घटनाओं को नहीं रोका। इन दुर्घटनाओं के घटित होने में उसका दायित्व यही है कि उसने विनियम 106 के पालन को सुनिश्चित करने में अपनी लापरवाही दिखाई। इसका विकल्प यह भी था कि डी० एस० आई० डी० सी० परमिट प्राप्त न करता और इस प्रकार इस दायित्व से अपने को मुक्त कर लेता।

(7) परमिट प्राप्त करने में डी० एस० आई० डी० सी० द्वारा अग्रिम रायल्टी जमा करनी थी। इससे डी० एस० आई० डी० सी० को ठेकेदारों से कर और बिक्री कर बसूल करने के लिए बाध्य होना पड़ा। डी० एस० आई० डी० सी० के इस व्यवहार से यह प्रतीत होता है कि मानों उसने ठेकेदारों के अवैध कार्यों को क्षमा कर रहा हो। डी० एस० आई० डी० सी० एक सार्वजनिक निगम को इस बात का ध्यान रखना चाहिए था कि जनता के मन में उसकी प्रतिष्ठा न गिर जाए।

(8) 1977 की व्यावहार्यता रिपोर्ट ने डी० एस० आई० डी० सी० के लिए कानून के अनुसार खानों के काम करने के दुस्तर अवरोध पर ध्यान नहीं दिया। 1981 में कार्यकारी दल की रिपोर्ट में रिपोर्ट के पैरा 23 में खानों के कार्य के व्यावहारिक उपाय का प्रस्ताव किया गया है। इसमें खनन ठेकेदारों/मजदूर लाने वाले ठेकेदारों को काम पर लगाने का प्रावधान किया गया था जिनके परमिट विनियम 106 के उल्लंघन के कारण जप्त कर लिए जाते और ऐसे उल्लंघन के कारण उन्हें भारी जुर्माना भी देना पड़ता। इस बात का कोई संतोषजनक स्पष्टीकरण नहीं है कि इस कार्य-पद्धति को उस समय से काम में क्यों नहीं लाया गया।

(9) पैरा 22 में कार्यकारी दल ने इस समस्या की व्यापकता को निर्धारित किया है। लगभग 3000 मजदूरों को काम पर लगाकर खानों में काम 10 अथवा उससे कम गतों तक सीमित रखना भी व्यावहारिक था। इतने छोटे क्षेत्र में विनियम 106 के पालन के लिए पर्यवेक्षण पैरा 22 के अनुसार व्यावहारिक था। खेव है कि डी० एस० आई० डी० सी० द्वारा इस संबंध में भी कोई कार्रवाई नहीं की गई।

(10) कार्यकारी दल की रिपोर्ट के पैरा 32 में यह बताया गया है कि ठेकेदार अपने निहित हितों के कारण

ऊपर दी गई कार्यवाही का विरोध करते और खानों के कार्य की वर्तमान पद्धति में परिवर्तन करना सरल न होता। लेकिन कार्यकारी दल ने यह भी माना है कि यदि वर्तमान कार्य-पद्धति को चलाए रखने की अनुमति दे दी जाती तो दुर्घटनाओं के कारण मौतें होतीं और गतों के किनारों के घंसने से होने वाली दुर्घटनाओं को भी नहीं रोका जा सकता था। केवल यही कह देना कि "कोई भी परिवर्तन लाना सरल नहीं है" किसी भी परिवर्तन लाने के लिए संतोष जनक स्पष्टीकरण नहीं माना जा सकता।

(11) डी० एम० आई० डी० सी० के मैनेजिंग डायरेक्टर श्री भट्टाचार्य ने अन्ततोगत्वा विभागीय खनन के लिए नया क्षेत्र खोल दिया है। इसका अर्थ यह है कि 4 फरवरी, 1983 से आगे जब यह प्रस्ताव डी० एम० आई० डी० सी० ने मजदूरों के सामने रखा तब ठेकेदारों ने कोई कानून और व्यवस्था की समस्या पैदा नहीं की। निदेशक के पक्ष में मजदूरों की ओर से केवल इतना ही कहा गया कि मजदूरों ने अभी तक डी० एम० आई० डी० सी० के प्रस्ताव को स्वीकार नहीं किया है क्योंकि ठेकेदार उन्हें डी० एम० आई० डी० सी० द्वारा विभागीय तौर पर खानों में काम करने हेतु सहयोग न देने के लिए फुसला रहे हैं। ठेकेदारों ने कहा है कि यदि मजदूरों ने ऐसा किया तो वे अपनी रोटी-रोजी से हाथ धो बैठेंगे। इसके विपरीत स्वामी अग्निवेश जो मजदूरों के स्वतंत्र नेता हैं और उनकी यूनियन में लगभग 1500 मजदूर हैं ने कह कि उनकी यूनियन के सदस्य डी० एम० आई० डी० सी० को विभागीय तौर पर खानों में काम करने के लिए पूर्ण सहयोग देने को इच्छुक हो जायेंगे यदि मजदूरों को वास्तविक मजदूरी दी जाय। मजदूरों को उजरती मजदूरी मिल रही थी। कार्य केवल बालिंग पुरुष ही नहीं कर रहे थे अपितु उनके बच्चे भी काम पर लगे थे और रात में महिलाएं काम करती थीं। डी० एम० आई० डी० सी० बच्चों और रात में महिलाओं को काम करने की अनुमति नहीं दे सकता था। ऐसी स्थिति में केवल यही सुनिश्चित करना था कि मजदूरों को देय उजरती मजदूरी उस उजरती मजदूरी के समान होनी चाहिए जो ठेकेदारों से मिलती थी और इस तथ्य के बारे में रियायत दी जानी चाहिए थी कि बच्चे काम न करें और महिलाओं को भी रात में काम करने की अनुमति न दी जाय। समय के साथ-साथ इस कठिनाई का निराकरण हो जाएगा क्योंकि मजदूर मजदूरी कमाना चाहते हैं और डी० एम० आई० डी० सी० भी चाहता है कि खनिजों की सप्ताई अधिक समय तक न रुकी रहे जिससे ग्राहकों में कमी आ जायेगी फिर भी डी० एम० आई० डी० सी० के अधिकारियों को अपनी परिधि से बाहर आना चाहिए और मजदूरों तथा मजदूर नेताओं के साथ बैठकर बात करनी चाहिए तथा अधिकाधिक समझौते के साथ उजरती मजदूरी की दर निर्धारित कर लेनी चाहिए। यदि परमिटधारी कोई गैर-सरकारी व्यक्ति या निजी निगम होता तो यह विषयाम करना असंभव है कि वह मजदूरों के साथ उजरती मजदूरी की दर के समझौते पर न पहुंच पाता। यदि गैर सरकारी व्यक्ति अथवा निजी निगम

ऐसा कर सकता है तो डी० एम० आई० डी० सी० जैसे सरकारी कारोबार को यह सिद्ध करना चाहिए कि वह भी ऐसा कर सकता है।

वर्तमान दशाएं जिनमें भाटी खानों में खनन-कार्य किए जाते हैं :

(1) कार्य का वर्तमान दशाओं की आधारभूत असंगति इस प्रकार है :

कानूनन एकमात्र परमिटधारी डी० एम० आई० डी० सी० ही अकेला खनिज खानों के लिए प्राधिकृत है। वास्तव में खनिज ठेकेदारों द्वारा खोला जाता है। डी० एम० आई० डी० सी० और ठेकेदारों के मध्य कोई विधि सम्मत संबंध नहीं है। इस प्रकार के संबंध नहीं रह सकते यदि ठेकेदारों को स्वतंत्र रूप से काम करना पड़े। क्योंकि डी० एम० आई० डी० सी० ठेकेदारों को परमिट नहीं दे सकता। डी० एम० आई० डी० सी० केवल खनन-ठेकेदारों/मजदूर दिलाने वाले ठेकेदारों को काम पर लगा सकता है।

(2) वर्तमान कार्य-पद्धति में (क) आर्थिक और (ख) खानों की सुरक्षा जैसे दोनों पक्षों की लोकहित की दृष्टि से पूर्णतया उपेक्षा की गई है। खनिजों का स्वामित्व परमिटधारी—डी० एम० आई० डी० सी० के हाथ में है। इसी को ही खनिज बेचने का अधिकार है फिर भी उन ठेकेदारों द्वारा खनिज बेचने की अनुमति दी जा रही है जिन्हें ऐसा करने का कोई अधिकार नहीं है। इस प्रकार की विक्री से लाभ लोक राजस्व को मिलना चाहिए। ठेकेदारों को इस लाभ को ले जाने की अनुमति देना बहुमूल्य राष्ट्रीय संसाधनों की खुलेआम चोरी में मिलीभगत है। यह अत्यंत खेद की बात है कि डी० एम० आई० डी० सी० जैसे सार्वजनिक निगम की ओर इस प्रकार की मिलीभगत रही है।

(3) खानों में कार्य करने वाले खनिकों की सुरक्षा के लिए लोकहित के बलिदान को भी इसी प्रकार असमर्थनीय है। यह नहीं बताया गया है कि डी० एम० आई० डी० सी० को किसी भी समय विभागीय तौर पर अथवा खनन ठेकेदारों/मजदूर लाने वाले ठेकेदारों की सहायता से भौतिक रूप से अलग किया गया है। डी० एम० आई० डी० सी० ने इन खानों में विभागीय तौर पर खनन ठेकेदार अथवा मजदूर लाने वाले ठेकेदारों की सहायता से वस्तुतः और भौतिक रूप से काम करने का प्रयास नहीं किया और इसका वास्तविक कारण यही है। गत वर्षों में डी० एम० आई० डी० सी० के अधिकारी या तो सिविल सेवाओं के अधिकारी थे अथवा इन अधिकारियों ने सिविल सेवाओं के अधिकारियों जैसा रवैया अपनाया। यह सर्वविदित है कि सिविल सेवाओं के अधिकारी अप्रिय निर्णय के लिए जिम्मेवारी लेने से बचताते हैं और अनुचित सुधारों को आगे बढ़ाने में जोखिम नहीं लेते। किसी भी सार्वजनिक निगम को खनन कार्य सौंपने का मुख्य उद्देश्य उसे स्वायत्तता देनी होती है। सरकार से अलग निगम राजनीतिक प्रभाव से मुक्त रखा जाता है। किसी भी सरकारी

विभाग की धीमी गति कभी-कभी जनमत अथवा राजनीतिक विचारों के कारण हो सकती है परन्तु डी० एस० आई० डी० सी० को इस प्रकार की बातों को ध्यान में नहीं लाने चाहिए। किसी भी दशा में जनमत को अधिकाधिक दिखाया गया है। यह कार्य विनियम 106 के पालन में सुरक्षा पूर्वोपायों के अनुसार कड़ाई से किया जाता है। वास्तव में समाचार पत्रों में छपे कतिपय लेखों में डी० एस० आई० डी० सी० को खनन कार्य में सुरक्षा के पूर्वोपायों को लागू करने की असफलता के लिए दोषी ठहराया है। यहां तक उनके विरुद्ध भ्रष्टाचार का आरोप भी लगाया गया है। इसका कारण यह है कि डी० एस० आई० डी० सी० द्वारा प्रस्तुत सुरक्षा साधनों को लागू करने की कठिनाई उन ठेकेदारों की मौजूदगी है जो विनियम 106 और अन्य सुरक्षा साधनों के पालन किए बिना ही खनन-कार्य करने के आदी हो गए हैं। जनमत इस बात को मानने के लिए तैयार नहीं है कि डी० एस० आई० डी० सी० के लिए कानून लागू करना भौतिक रूप से असंभव था। यह सच है कि ये ठेकेदार खुलेआम कहते हैं कि वे इन खानों को उनसे छिपने नहीं देंगे और उन्होंने मजदूरों के स्वतंत्र नेता स्वामी अग्निवेश को भी धमकाया है कि यदि स्वामी अग्निवेश ने उनसे खानों को वास्तव में लेने के लिए डी० एस० आई० डी० सी० की सहायता की तो अच्छा न होगा। इसी प्रकार गैर सरकारी व्यक्तियों को भी ऐसी मौखिक चेतावनियों से डराया-धमकाया गया है। उन्हें आवश्यकतानुसार पुलिस की सहायता लेनी चाहिए थी। डी० एस० आई० डी० सी० निजी उद्यम-मर्ता के समान कार्य क्यों नहीं करता? जब तक यह निगम ऐसा नहीं करेगा तब तक यह निष्क्रिय सिविल सेवा के अधिकारी के समान अपना कार्य नहीं करना चाहिए। इसे एक व्यापारी के समान काम करना चाहिए जो लॉ-सिंह की दृष्टि से आर्थिक और सुरक्षा पक्षों को कुछ असंतुष्ट व्यक्तियों द्वारा पराजित नहीं होने देंगे।

भविष्य में ऊपर बताई गई खानों में दुर्घटनाएं बचाने और कार्य करने की दशाओं को सुधारने के लिए सही साधनों का अपनाता तथा परिवर्तन लाना :

अब हम जांच के सबसे महत्वपूर्ण पक्ष पर आते हैं। यह सच है कि दुर्घटनाओं के कारणों का पता लगाया जाना चाहिए। परन्तु दुर्घटनाओं के पिछले कारणों और खानों की वर्तमान कार्य-दशाओं की जांच को उन साधनों का आधार होना चाहिए जिससे कार्य की दशाओं में सुधार हो सके और भविष्य में दुर्घटनाओं से बचा जा सके। दुर्घटनाओं के कारणों की जांच का उद्देश्य यह है कि किसी को दण्ड दिया जाय परन्तु इसका उद्देश्य यह जानना है कि इन दुर्घटनाओं के कारणों को दूर करने के लिए क्या करना चाहिए ताकि भविष्य में इन्हें रोका जा सके। इसी प्रकार वर्तमान कार्य दशाओं की जांच मुख्यतया इस उद्देश्य से नहीं की गई थी कि विशेषरूप से किसी व्यक्ति की गिरफ्तारी की जाय परन्तु इसका उद्देश्य यह था कि कार्यकर्ताओं को अपेक्षाकृत अच्छा जीवन सुनिश्चित करने के लिए वर्तमान दशाओं में सुधार

किया जाय। यद्यपि हमारी प्रवृत्ति रचनात्मक रही है फिर भी हमें कहते हुए खेद है कि डी० एस० आई० डी० सी० को गत और वर्तमान उत्तरदायित्व से मुक्त करने की विशेष चिन्ता रही है बजाय इसके कि वह भविष्य के लिए सुधारों के बारे में सुझाव देता। श्री जे० आर० वोहरा, जनरल मैनेजर (खान) ने जो लिखित वक्तव्य और अपना मौखिक गवाही दी है, उससे भी यह बात सुस्पष्ट हो जाती है। उनकी मुख्य चिन्ता यह रही है कि वह यह बात स्थापित कर सकें कि वह खान के स्वामी के एजेंट नहीं थे जबकि डी० एस० आई० डी० सी० खान का स्वामी था और वह जनरल मैनेजर (खान) थे। यह हो सकता है कि उन्होंने डी० एस० आई० डी० सी० के एजेंट के रूप में नियुक्ति पाने से अपने को सफलतापूर्वक बचा लिया परन्तु शर्म की बात है कि उन्हें इस तकनीकी तर्क का सहारा देना पड़ा। उनसे यह आशा की जानी थी वह इस उत्तरदायित्व को वहन करेंगे कि डी० एस० आई० डी० सी० ने ठेकेदारों को खनिज के खनन की तथा खनिज को बेचने की अनुमति गैर-कानूनी ढंग से है जबकि डी० एस० आई० डी० सी० स्वयं कानूनन ऐसा करने का अधिकारी था। इसमें कोई आश्चर्य की बात नहीं है कि डी० एस० आई० डी० सी० के अधिकारियों के विरुद्ध मिली-भगत करने अथवा यहां तक भ्रष्टाचार के आरोप समाचार पत्रों, पी० यू० सी० एल०, ठेकेदारों और जनता के अन्य सदस्यों द्वारा लगाए गए। इस कार्य-पद्धति की अवैधता और भ्रष्टाचार प्रत्येक व्यक्ति को स्वीकार किया जो इस जांच में सम्मिलित किए गए थे और यह बात हमें स्पष्ट थी। हमारा विचार है कि डी० एस० आई० डी० सी० निश्चय ही बहुत पहले इस पद्धति को समाप्त करने की स्थिति में था। वस्तुतः इसमें कोई संगतता नहीं है कि डी० एस० आई० डी० सी० ने ऐसा क्यों नहीं किया। जैसा कि पहले ही बताया गया है कि इसका केवल संभव कारण यही हो सकता था कि या तो सिविल सेवा के अधिकारियों अथवा निगम के अधिकारियों में से किसी अधिकारी की प्रतिष्ठा के विरुद्ध केवल उसकी अक्षमता थी अथवा ठेकेदारों के साथ मिली-भगत या भ्रष्टाचार था इसीलिए इस पद्धति की समाप्त करने की दिशा में परिवर्तन और शुद्ध करने के तरीके अपनाने चाहिए तथा इससे ठेकेदारों को अलग हटाना चाहिए क्योंकि उन्हें खनिजों के खोदने और बेचने का कोई कानूनी या नैतिक अधिकार नहीं है चूंकि खनन के आर्थिक और सुरक्षा-पक्षों में से एक दूसरे पर प्रक्रिया होती है अतः इन दोनों पक्षों से संबंधित परिवर्तनों और सही करने वाले उपायों में परस्पर संबंध होना चाहिए।

आर्थिक पक्ष

1. खान और खनिज (विनियम और विकास) अधिनियम, 1957 और इसके अधीन बनाई गई खनिज रियायत नियमावली के अन्तर्गत बड़े-बड़े खनिजों के संबंध खनन के लिए दीर्घकालीन पट्टे, व्यक्तियों या निगमों को देने चाहिए। इन पट्टों का इतनी दीर्घ अवधियों के लिए भी पुनर्नवीकरण हो सकता

है। इसका कारण यह है कि पर्याप्त पूँजी निवेश खनन से होने वाले अंतिम लाभ और खान के कार्यकर्ताओं की सुरक्षा सुनिश्चित किए जाने से पूर्व किए जाते हैं। दिल्ली लघु खनन नियमों में पट्टे देने की अपेक्षा परमिट दिए जाने की व्यवस्था की गई परन्तु इससे अल्पकालीन परमिटों की छाप मिलती है दीर्घकालीन परमिटों के जारी करने पर निषेध नहीं किया गया है परन्तु व्यावहारिक रूप में उनका प्राप्त किया जाना कठिन है क्योंकि अग्रिम रायल्टी के रूप में जो राशि जमा की जाती है वह बहुत ही अधिक होगी इसलिए सबसे पहले जो परिवर्तन किया जाना है वह यह है कि नियमों के संशोधन करने के बाद वर्तमान नियमों के अन्तर्गत परमिट या पट्टे अधिक अवधि के लिए होना चाहिए। उनका पट्टाधारियों द्वारा किए गए दीर्घकालीन पूँजीगत निवेश अथवा पट्टों की दृष्टि से समान समय के दीर्घकालीन पुनर्नवीकरण किया जाना चाहिए। डी० एस० आई० डी० सी० को अथवा नवनिर्मित खनन निगम जो कार्यकारी दल द्वारा दी गई सिफारिश के अनुसार 15 या 20 वर्षों की अवधि के लिए राज्य द्वारा स्वामित्व प्राप्त और/अथवा नियंत्रित है को परमिट या पट्टे देने चाहिए।

2. डी० एस० आई० डी० सी० द्वारा रायल्टी के अग्रिम भुगतान की पूर्ण आवश्यकता और 'भू-स्वामियों से कोई आपत्ति नहीं' जैसे प्रमाणपत्रों को मंजूर करने के तरीके को इन नियमों के संशोधन द्वारा समाप्त कर देना चाहिए।

3. खनिजों में डी० एस० आई० डी० सी० का स्वामित्व कानून द्वारा आवश्यक किया जाता है और इसे डी० एस० आई० डी० एस० द्वारा जोरदार शब्दों में कहना चाहिए। ऐसे ठेकेदारों को कोई भी खनन कार्य बिलकुल ही न करने दिया जाए यदि ये खनिजों के स्वामित्व का दावा करते हों। इन खनिजों की बिक्री डी० एस० आई० डी० सी० द्वारा की जानी चाहिए और इन बिक्री से जो लाभ होते हैं वे डी० एस० आई० डी० सी० को मिलने चाहिए।

4. आर्थिक और सुरक्षा के दोनों पक्षों में लोकहित की सुरक्षा की आवश्यकता की दृष्टि से यह आवश्यक है कि लघु खनिज के खनन के लिए परमिट पट्टा केवल डी० एस० आई० डी० सी० को ही दिया जाना चाहिए अथवा खनन के उद्देश्य के लिए विशेष रूप से स्थापित किए गए दूसरे सार्वजनिक निगम को दिया जाना चाहिए। केवल इसी से सुरक्षा उपायों के न पालन करने से लाभ कमाने का सवाल दूर हो जाएगा।

5. इन खानों का कार्य सीधे ही अपने मजदूरों को रखकर डी० एस० आई० डी० सी० द्वारा विभागीय तौर पर करना चाहिए अथवा जैसा कि कार्यकारी दल ने बताया है खनन-ठेकेदार द्वारा यह काम करवाना चाहिए। फिर भी 'ठेकेदार' शब्द में एक अर्थ निहित हो गया है जिसके द्वारा उनको खनिज में एक अधिकार मिल जाता है। इससे यह भी प्रतीत होता है मानों डी० एस० आई० डी० सी० ने ठेकेदारों को अपने ही कुछ अधिकार सौंप दिए हैं इसलिए सिफारिश करते हैं कि इस शब्द का प्रयोग नहीं किया जाना चाहिए और इसके स्थान पर 'मजदूरों के पर्यवेक्षक' शब्दों

का प्रयोग किया जाना चाहिए क्योंकि ठेकेदार की अपेक्षा 'मजदूरों के पर्यवेक्षकों' जैसे शब्दों के प्रयोग से किए जाने वाले कार्य को अपेक्षाकृत अधिक अच्छे ढंग से व्यक्त किया जा सकता है। 'खनन' शब्द से यह व्यक्त होता है कि खनिज के पर्याप्त उत्पाद के सुनिश्चित करने की आवश्यकता है। इसे उजरती दरों द्वारा मजदूरों के भुगतान से सुनिश्चित किया जा सकता है आवधिक दरों द्वारा नहीं। उजरती मजदूरी मजदूरों से वांछित उत्पाद प्राप्त करने में सभी स्थानों पर सफल हुई है और इस प्रकार डी० एस० आई० डी० सी० द्वारा इसे अपनाया चाहिए क्योंकि इन्हीं खानों में ठेकेदारों द्वारा स्वीकार करके इनका उपयोग किया गया है।

6. उजरती मजदूरी की वास्तविक दरों को परिवारों के मुखियों के साथ बैठकर तय करना चाहिए यहाँ तक कि इस बात की सावधानी रखी जाए कि बच्चे काम न करें और महिलाओं को भी रात में काम पर न लगाए जाए।

7. ऐसे श्रमिक दल के सदस्यों को काम दिए जाने की प्राथमिकता दी जानी चाहिए जिन्होंने वस्तुतः इन खानों में कार्य किया है और खनन-मजदूरों को उस समय तक काम पर नहीं लगाना चाहिए जब तक कि वर्तमान मजदूर या तो सहयोग न दें अथवा संख्या में पर्याप्त हों।

8. वास्तविक खनन-कार्य प्रारंभ करने से पूर्व आवश्यकता के रूप में धूल-मिट्टी को हटाने के लिए पूँजी-निवेश डी० एस० आई० डी० सी० द्वारा किया जाना चाहिए और बिक्री से होने वाले लाभ को भी डी० एस० आई० डी० सी० द्वारा लिया जाना चाहिए।

9. मजदूर-पर्यवेक्षकों और मजदूर शब्दों का मानवीकरण किया जाना चाहिए। वे उजरती मजदूरियों पर समान रूप से आधारित होने चाहिए। वे चाहे खनिजों तथा उनकी बिक्री से मिलने वाला मूल्य कितना ही क्यों न हों।

10. वर्तमान ठेकेदारों में से जो ठेकेदार मजदूरी पर काम करने के लिए तैयार हों और खनिजों की बिक्री में अपना दावा न करने के लिए सहमत हों, उन्हें मजदूरों के पर्यवेक्षक के रूप में काम पर लगाया जा सकता है। यदि डी० एस० आई० डी० सी० इस बात से संतुष्ट हो जाए कि वे ठेकेदार कानूनों का पालन करेंगे।

11. वर्तमान जनरल मैनेजर (खान) ने अपने उत्तरदायित्व के प्रति पर्याप्त निष्ठा नहीं दिखाई है। आज जैसी स्थिति है उसे देखते हुए जनरल मैनेजर को ठेकेदारों द्वारा अवैध खनन के लिए डी० एस० आई० डी० सी० की अक्षमता अथवा मिलीभगत के लिए उत्तरदायी माना जाना चाहिए और सुरक्षा पूर्वापारों के पालन करने के लिए डी० एस० आई० डी० सी० की असफलता के लिए भी उसे उत्तरदायी समझा जाना चाहिए। उसका नवीन कार्यपद्धति के प्रारम्भ करने के लिए सही ध्यान प्रतीत नहीं होता। दूसरी ओर मैनेजिंग डायरेक्टर श्री भट्टाचार्य जितना कि वह कर सकते हैं अनुसार एक निष्ठावान अधिकारी

के रूप में इस कार्यपद्धति को बदलने के लिए अपनी कार्य-शीलता दिखाई है और वास्तव में उन्होंने ऐसा करने का प्रयत्न किया है। 4 फरवरी, 1983 को उन्होंने जो प्रयत्न किया था वह पहला प्रयत्न था परन्तु इनसे पूर्व उनके समकक्ष अधिकारियों और खानों के जनरल मैनेजर श्री बोहरा तथा उनके पूर्वाधिकारियों को बहुत समय पहले ऐसा प्रयत्न करना चाहिए था। शायद यह वांछनीय होगा कि मैनेजिंग डायरेक्टर की सहायता के लिए नए जनरल मैनेजर के साथ इस नई कार्यपद्धति को प्रारंभ किया जाए और जहां तक संभव हो नवीन कर्मचारीवर्ग को अपेक्षाकृत कम कर दिया जाए।

सुरक्षा पक्ष

1. खानों के पट्टा कराने अथवा कार्यपद्धति का विभाजन इस्पात और खान मंत्रालय (खान विभाग) के हाथ में है और खानों में कार्यकर्ताओं के सुरक्षा के कानूनों और विनियमों का लागू करना भी श्रम मंत्रालय के अधिकार में है। इनके लाभ और हानियां दोनों ही हैं। एक लाभ तो यह है कि कानूनों और विनियमों को लागू करने के लिए खान सुरक्षा महानिदेशालय की स्वतंत्रता सुनिश्चित की जाए। इसका कारण यह हो सकता है कि वे ऐसे प्राधिकारियों के अधीन नहीं हैं जो पट्टे देने और उनसे सम्बद्ध शर्तों को विनियमित करते हैं परन्तु भाटी खानों के अनुभव से यह विदित होता है कि न केवल ठेकेदार ही अपितु डी० एस० आई० डी० सी० जैसे लोक निगम में खान अधिनियम 1952 और खान और खनिज विनियमावली 1961 के अन्तर्गत महानिदेशालय, खान-सुरक्षा को सौंपी गई शक्तियों को काम में लाने के डर से अवैध और अनैतिक व्यवहारों से बचाया है। महानिदेशालय, खान सुरक्षा ने विशेषकर इसके ओजस्वी और समर्पित निदेशक श्री एस० कुमार के कारण उत्कृष्ट कार्य किया है जो इस क्षेत्र के प्रभारी हैं। उनका कार्य सतर्क प्रहरी के समान रहा है। उन्होंने ईमानदारी और स्वतंत्रता के साथ अपने विधि सम्मत कार्यों को सम्पन्न किया है लेकिन महानिदेशालय, खान सुरक्षा द्वारा किए गए कार्य का क्षेत्र सीमित है। खानों में कार्य करने वाले कार्यकर्ताओं की सुरक्षा को सुनिश्चित करने के लिए खान अधिनियम 1952 के अध्याय चार, पांच और नौ के उपबंधों के अनुसार महानिदेशालय, खान सुरक्षा चंतावनी के नोटिस जारी कर सकता है। कानून तोड़ने वालों को कार्य करने से रोक सकता है और उस समय तक खनन क्रियाओं को अन्ततोगत्या रोक सकता है जब तक कि खान में काम करने वालों को कार्य करने वालों के खतरों को दूर न कर दिया जाए कानून तोड़ने वाले व्यक्तियों को अध्याय नौ के अन्तर्गत दंड दिए जा सकते हैं और उन पर मुकदमें चलाए जा सकते हैं परन्तु मुकदमा चलाने अथवा न्यायिक कार्यवाहियों में अधिक समय लग सकता है। निषेधात्मक आदेश के जारी किए जाने और महानिदेशालय, खान सुरक्षा द्वारा मुकदमे चलाए जाने के बावजूद खनन कार्य जारी रहा यह स्पष्ट है कि इन उपबंधों का डर कानून तोड़ने वाले व्यक्तियों को अपनी गतिविधियों से रोक नहीं सका। विधिक

उपबंधों का उल्लंघन रोकने के लिए इससे भी अधिक किया जाना चाहिए था।

2. पट्टों और परमिटों को देने वाले प्राधिकारियों को खान के कार्यकर्ताओं की सुरक्षा को सुनिश्चित करने वाले प्राधिकारियों को सहायता करनी चाहिए। यह कार्य तभी हो सकता है जब खनन के लिए पट्टों और परमिटों की नई शर्तों को लागू किया जाए। इन नई शर्तों से पट्टों और परमिटों के देने वाले प्राधिकारियों को यह अधिकार मिल जाता है कि वे नई शर्तों के उल्लंघन करने वालों के पट्टों और परमिटों को रद्द कर सकें। नई शर्तें ऐसी होंगी कि पट्टाधारी अथवा पट्टाधारी को खान अधिनियम 1952 और धातुमय खान विनियमावली 1961 विशेषतया विनियम 106 के उपबंधों का पालन करना होगा।

यदि उन्हें इस बात का पता लगा कि निदेशक द्वारा समुचित कारवाई करने के बावजूद पट्टेधारी अथवा परमिटधारी सुरक्षा के पूर्वोपायों का पालन नहीं कर रहे हैं तो उन्हें उनके पट्टे और परमिट जब्त करने का अधिकार होगा। भविष्य में महानिदेशक, खान-सुरक्षा खान अधिनियम 1952 तथा खान और खनिज विनियमावली 1961 के अन्तर्गत उनके द्वारा की गई कार्रवाहियों का विवरण पट्टे और परमिट देने वाले प्राधिकारियों को भेजेंगे और ये प्राधिकारी इस सूचना के प्राप्त होने पर उन सभी व्यक्तियों की सुनवाई करेंगे जिनके विरुद्ध कार्रवाई की जानी है और इसके बाव पट्टों और परमिटों के रद्द करने के लिए कदम उठाएंगे।

2. परिस्थिति विज्ञान संबंधी बातों का भी ध्यान रखना चाहिए और खानों में काम करने वाले पट्टाधारियों और परमिटधारियों पर समुचित जिम्मेदारी डाली जानी चाहिए। भाटी खानों में परिस्थिति विज्ञान संबंधी बातों पर ध्यान दिए बिना ही काम किया गया है। गतों की दशा ऐसी है जिनसे खनिजों के अनियमित खनन और भूमि को नष्ट किए जाने का दृश्य दिखाई देता है। खनन कार्य में जो जबरदस्ती नहीं की जानी चाहिए बल्कि इसे वैज्ञानिक तरीके से किया जाना चाहिए।

3. पट्टों और परमिटों में ऐसी शर्त जोड़ देनी चाहिए जिसके कारण पट्टाधारी और परमिटधारी के लिए खान अधिनियम 1952 तथा खान और खनिज विनियमावली 1961 के संगत उपबंधों का पालन करना अनिवार्य बन जाए। विशेषकर विनियम 106 का पालन किया जाए जिसे परमिट के पिछले भाग पर पूरी तरह उद्धृत कर दिया जाए।

4. यदि खनन के लिए खोला गया नया क्षेत्र प्रतिदिन लगभग 3000 मजदूरों की सहायता से हर रोज 10000 टन के उत्पाद को सुनिश्चित करने के लिए 10 या कम गतों तक सीमित कर दिया जाए तो सुरक्षापूर्वोपायों के लागू करने में सुविधा होगी।

5. परमिट अथवा पट्टा देने के समय यह स्पष्ट कर देना चाहिए कि पट्टाधारी अथवा परमिटधारी स्वयं खानों

में कार्य करेंगे। इसका विकल्प यह भी है कि वह मजदूरों और मजदूरों के पर्यवेक्षकों को भी मजदूरी पर काम पर लगा सकते हैं परन्तु उन्हें खनिजों पर कोई अधिकार नहीं दिया जाएगा। महानिदेशक, खान-सुरक्षा के परामर्श से खानों के कलक्टर यह सुनिश्चित करेंगे कि कितने क्षेत्र में कितने मजदूर और मजदूरों के पर्यवेक्षक काम कर सकेंगे।

6. विधिवत और सुरक्षात्मक ढंग से खानों की योजना और कार्य के लिए काफी पूंजी निवेश की आवश्यकता होती है ताकि धूल-मिट्टी और मिट्टी के ढेलों को हटाया जाए तथा राज्य सरकार को भी अग्रिम रूप से रायल्टी का भुगतान किया जाए। हमने यह भी सिफारिश की है कि रायल्टी को अग्रिम रूप से देने की आवश्यकता नहीं है यदि पट्टा अथवा परमिट राज्य निगम को दिया जाता है। राज्य निगम के बजट में धूल मिट्टी को हटाने के लिए पूंजी व्यय हेतु व्यवस्था की जानी चाहिए। इसी प्रकार कैन्टीन, प्रथम सहायता कमरे, विश्रामगृह के निर्माण और अन्य कल्याणकारी साधनों अथवा शिक्षा और कल्याण अधिकारियों की नियुक्ति के लिए भी व्यवस्था की जानी चाहिए। डी० एस० आई० डी० सी० ने 29-4-1983 को एक टिप्पण प्रस्तुत किया है जिसमें भाटी खानों के लिए वर्तमान कल्याण साधनों के विवरण दिए हैं। ये कल्याण साधन पर्याप्त नहीं हैं और इन्हें अधिक बढ़ाना चाहिए।

7. मजदूरों और मजदूर पर्यवेक्षकों को दी जाने वाली मजदूरियां समान होनी चाहिए और लागू किए जाने वाले न्यूनतम मजदूरी किए गए कार्य के अनुसार होनी चाहिए। यह मजदूरी किए गए कार्य के अनुसार होनी चाहिए तथा जो भी खनिज खोदे गए हैं उनके मूल्य के अनुसार नहीं होना चाहिए।

8. मजदूर पर्यवेक्षकों, उन्हें भुगतान की गई मजदूरियों उस खनिज की मात्रा जो निकाली गई हो और जिसे बेचा गया हो, मर्दों को शामिल करते हुए काम पर लगाए गए मजदूरों के संबंध में उचित रजिस्टर रखने चाहिए क्योंकि मजदूर और मजदूर पर्यवेक्षक डी० एस० आई० डी० सी० द्वारा सीधे ही काम पर लगाए जाते हैं अतः मजदूरों अथवा मजदूर पर्यवेक्षकों के ठेका मजदूर (विनियम और उन्मूलन) अधिनियम, 1970 के अर्थ के अनुसार ठेके के मजदूरों के रूप में काम पर लगाया हुआ नहीं माना जाएगा इस प्रकार "ठेकेदार" और "ठेके पर मजदूर" शब्दों का बिल्कुल प्रयोग नहीं किया जाना चाहिए।

10. खनिज वाले जोम (अंचल) की जांच की जानी चाहिए और उक्त जोमों (अंचलों) में विभाजित करना चाहिए। प्रत्येक जोम काफी बड़ा होना चाहिए और विधिवत बैचें बनाने के लिए उसमें सुविधा होनी चाहिए। प्रत्येक जोम में आसानी से पर्यवेक्षण और नियंत्रण के लिए एक या दो बड़ी खानें होनी चाहिए जहां तक संभव हो, प्रत्येक जोम में नए क्षेत्र शामिल होने चाहिए और कुछ गर्त तैयार किए जाने चाहिए ताकि नए क्षेत्रों से उत्पादन हो सके जबकि

पुराने गर्तों का पुनर्निर्माण और विकास किया जा सके तथा लागत को संतुलित किया जा सके।

11. धातुमय खान विनियमावली 1961 विनियम 106 के अन्तर्गत आवश्यक बैचों के निर्माण के लिए पुराने गर्तों को चौड़ा किया जाना चाहिए और खान सुरक्षा निदेशालय द्वारा जारी किए गए निषेधात्मक आदेशों को रद्द किया जाना चाहिए इससे पूर्व कि इन गर्तों से नियमित उत्पादन प्रारम्भ किया जाए। जब तक इस प्रकार के निषेधात्मक आदेश रद्द न कर दिए जाए तब तक इन आदेशों के अन्तर्गत सभी गर्तों के तले तक पहुंचने के लिए रास्ते प्रभावकारी ढंग से प्रवेश रोकने के लिए बंद कर दिए जाने चाहिए।

12. जोन के बीच में आने-जाने की सड़कों के लिए पर्याप्त रूप से ठोस मोटे बन्धों की व्यवस्था की जानी चाहिए। सतह के पत्थरों को उड़ा देना चाहिए और खनन कार्य प्रारम्भ करने से पूर्व भूमि को समतल बना देना चाहिए।

14. कतिपय गर्त जा स्तर तक पहुंच गए हैं और उसके बाद भूस्खलन के खतरे से खनन कार्य किया जाता है जबकि 1.5 मीटर ऊंची बैचें बनी हुई हैं इसलिए यह परामर्श दिया जाता है कि गर्तों के ढलान का सामान्य कोण लगभग 30° अथवा लगभग उतने ही अंश का होना चाहिए। इस प्रयोजन के लिए प्रति 3 या 4 बैचों के बाद एक चौड़ी बैच होनी चाहिए।

15. खान के कार्यकर्ताओं को दुर्घटनाओं से हुई हानि के लिए प्रतिकर का विधिवत भुगतान उचित रूप से संगठित किया जाना चाहिए। नियोक्ता (डी० एस० आई० डी० सी०) का यह उत्तरदायित्व है कि नियोक्ता देयता अधिनियम 1938 की धारा 3 के अन्तर्गत खनन कार्य के दौरान किसी भी मजदूर के आहत होने पर प्रतिकर दिया जाए वशर्त कि इस दुर्घटना का दोष किसी भी नियोक्ता अथवा किसी भी सहकर्मि पर न लगाया गया हो। कामभार प्रतिकर अधिनियम 1923 भाटी खानों के मजदूरों पर नहीं लगाया जाएगा क्योंकि उन्हें उजरती आधार पर मजदूरी दी जाती है। यह भी विचार करना चाहिए कि कर्मचारी राज्य बीमा योजना इन मजदूरों के लिए लागू की जा सकती है अथवा नहीं। अनुग्रह प्रतिकर के भुगतान के लिए मजदूर कल्याण निधि भी बनानी चाहिए।

हमें यह लिखते हुए प्रसन्नता होती है कि जांच न्यायालय और मूल्यांक में अपने विचारों और सिफारिशों में एक मत है। हम श्रम मंत्रालय, भारत सरकार, विशेषकर इस जोन के खान सुरक्षा निवेशक, श्री एस० कुमार और पी० यू० सी० एल० तथा स्वामी अग्निवेश और श्रीमती लेविस जो खानों के मजदूरों के स्वतंत्र प्रतिनिधि हैं, द्वारा दिए गए सहयोग के प्रति आभारी हैं। ठेकेदार दो ढलों में विभाजित किए गए हैं। एक तो वे हैं जो खनन क्षेत्र में रहते हैं और स्वयं को खानों का स्वामी मानते हैं और दूसरे वे हैं जो बाहर

से आकर खनन कार्य करते हैं। पहले प्रकार के ठेकेदारों ने सहयोग देने से इन्कार किया है और इस बात पर रोष प्रकट किया है कि खनिजों का स्वामित्व उन्हें क्यों नहीं नहीं प्रदान किया जा रहा है। दल के श्री जे० के० सेठी ने सहयोग देने की इच्छा प्रकट की है और वह खनन ठेकेदारों अथवा मजदूरों के पर्यवक्षकों को रखने की नई योजना को मानने के लिए सहमत हैं।

हमें खेद है कि इस जांच में अधिक समय लगा है जिसका कारण यह है कि डी० एस० आई० डी० सी० ने देर लगाई है जो पहले तो जांच का सामना करने के लिए तैयार न था और दूसरे वह कानून का पालन करते हुए खानों का प्रबंध करने में बुरी तरह से असफल रहने के बारे में कोई संतोषजनक स्पष्टीकरण न दे सका। भाटी खानों की यह दुःखद कहानी कतिपय गर्त घसने के विरुद्ध चेतवानी है। पहली बात तो यह है कि वैज्ञानिक ढंग से खनन में लोकहित और खान के कार्यकर्ताओं को दुर्घटनाओं से बचाने के लिए सुरक्षा पूर्वोपायों का अपनाना उन व्यक्तियों द्वारा क्रियान्वित नहीं किया जाता जो केवल शीघ्र लाभ कमाने के लिए सुरक्षा पूर्वोपायों का पालन किए बिना ही गलत ढंग से खनन कार्य करते हैं। दूसरे डी० एस० आई० डी० सी० जैसे सार्वजनिक निगम को इन खनिजों के खनन का एकमात्र अधिकार देते हुए अकेला पट्टाधारी बनाने के बावजूद इन लोकहितों की सुरक्षा अपने आप ही सुनिश्चित नहीं हो पाती। निगम के कर्मचारियों को यह महसूस करना चाहिए कि वे केवल कानूनी रूप से ही नहीं अपितु वास्तव में लोक सेवक हैं। उन्हें अपने कानूनी उत्तरदायित्वों का पालन करना चाहिए अथवा काम छाड़ देना चाहिए यह आशा की जाती है कि सरकार का एक विभाग (महानिदेशालय, खान-सुरक्षा) सरकार द्वारा स्थापित एक राज्य निगम पर लॉछन लगाए ऐसे दुर्भाग्यपूर्ण बात फिर से दोहराई नहीं जायगी।

नई दिल्ली ह०-बी० एस० देशपांडे, जांच न्यायालय
3 मई, 1983

[सं० एन० 11015 / 3 / 83 - एम I]
जे० के० जैन, अवर सचिव

New Delhi, the 27th July, 1983

S.O. 3291.—In pursuance of section 27 of the Mines Act, 1952 (35 of 1952), the Central Government hereby publishes the following report submitted to it under sub-section (4) of section 24 of the said Act by the Court of Inquiry appointed to hold an inquiry into the causes of and circumstances attending the accidents which occurred on the 10th, 16th and 24th January, 1983, in the Bhatti Bajri Mines in the Union Territory of Delhi.

Report of the Court of Inquiry on the accidents which occurred on the 10th, 16th and 24th January, 1983 at Bhatti Bajri Mines in the Union Territory of Delhi.

REPORT BY THE COURT OF INQUIRY UNDER
S. 24(4) MINES ACT 1952 (JUSTICE V. S. DESHPANDE,
FORMER CHIEF JUSTICE, DELHI HIGH COURT)

FROM PRIVATE TO PUBLIC INTEREST

1. The terms of reference :

The Court of Inquiry was appointed by the following Notification :

MINISTRY OF LABOUR & REHABILITATION

(Department of Labour)

New Delhi, the 14th February, 1983

S.O. —Whereas three accidents occurred in the Bhatti Bajri Mines in the Union territory of Delhi on the 10th, 16th and 24th January, 1983, causing loss of lives;

And whereas the Central Government is of the opinion that a formal inquiry into the causes of and circumstances attending these accidents ought to be held;

And now, therefore, in exercise of the powers conferred by sub-section (1) of section 24 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Justice V. S. Deshpande, retired Chief Justice of the High Court of Delhi to hold such inquiry and also appoints—

(i) Shri S. L. Passey,
Indian National Trade Union Congress,
16, Gurdwara Rakabganj Road,
New Delhi-110001.

(ii) Shri S. Sankaran,
28, Loganathan Colony,
Mylapore, Madras-4.

as assessors in holding the said inquiry.

2. The terms of reference of the said inquiry shall be :—

- to go into the causes of accidents in Bhatti Bajri Mines on 10th, 16th and 24th January, 1983, causing loss of lives;
- to go into the existing conditions in which mining operations are carried out in the said Mines;
- to suggest such changes and corrective measures as may be necessary to improve the working conditions and to prevent recurring accidents in future in the said Mines.

[N-11012/1/83-MI]

I. K. JAIN, Under Secy.

2. From Private to Public interest .

The nature of the subject matter of the inquiry is such as to suggest that its essence is the progress from private to public interest. I have given this title to this report as it sums up the essence of this inquiry. The inquiry relates to the conditions under which the mining operations are carried out in the Bhatti Bajri Mines close to the Metropolis including the causes which led to accidents in the working of those mines and suggestions to be made to improve the working conditions to prevent such accidents in future. It thus relates to the past, the present and the future system of mining in this area.

3. Nature & importance of Mining :

It would be appropriate to know the nature and importance of mining, the working conditions therein and the public interest which is involved : firstly in the welfare of the labour working in the mines and secondly in the scientific exploitation of these most important exhaustible national resource. By its very nature mining activity involves risk of injury and even death to the labour working in the Mines. It was appropriate, therefore, that legislation was enacted to ensure the safety and welfare of the mining labourers as early as in 1923. The present statute is the Mines Act, 1952 and the Metalliferous Mines Regulations, 1961 framed under S. 57 of the said Act. The progress from the private to the public interest in the system of the working of the Mines in India is two fold—

- Entry 54 of List I—Union List of the VIIth Schedule of the Constitution authorises Central legislation for regulation of mines and mineral development to the extent to which such regulation and

development under the control of the Union is declared by Parliament by law to be expedient in the public interest; and

- (b) Entry 55 of the said Schedule empowers the Parliament to legislate on regulation of labour and safety in Mines and Oil Fields.

The special importance to mining and the safety and welfare of the mining labourers given in the Constitution itself is notable. Normally under Entry 23 of List II—State List of Schedule VII of the Constitution regulation of Mines and Mineral development is a subject of State legislation. But the over-riding importance of regulation of mines and mineral development by the Parliament on an all India basis was emphasised by Entry 53 of List I—Union List of the Schedule VII of the Constitution. By the declaration made in the Mines & Minerals (Regulation and Development) Act 1957, the regulation and development of mines has been taken over by the Centre from the States. Even earlier than the economic importance of the Mines, was emphasised the human aspect of it. The safety and welfare of the labour employed in the mines was provided for—first in 1923 and then in 1952 by the Mines Act. Even though the general subject of welfare of labour is in Entry 24 of List III—Concurrent List of the VIIth Schedule of the Constitution, Entry 54 of List I—Union List of the VIIth Schedule of the Constitution specially provided for Central legislation and control in the field of regulation and safety in mines and oil fields showing thereby that this is more important than the welfare of the labour in general.

Two aspects of public interest in Mining

- (a) The Economic aspect :

Since the minerals are exhaustible natural resources, their conservation and exploitation has to be done in public interest. Entry 54 of the List I—Union List of the Seventy Schedule of the Constitution authorises Parliament to declare that the regulations of mines and minerals development under the control of the Union is expedient in the public interest. The regulations of mines and minerals development was therefore taken over by the Central Government by the Mines and Minerals (Regulation and Development) Act, 1957. Thereafter no person can undertake any prospecting or mining operation except and in accordance with the terms and conditions of prospecting licence or a lease to be granted under this Act and the rules made thereunder. The minerals are divided into major minerals and minor minerals. The Delhi Minor Minerals Rules 1962, regulate the mining of the Bajri or Badarpur Sand in the Bhatti Mines with which we are concerned. Under these Rules also, no person except the holder of the permit granted by the Collector (Mines) can mine in minor minerals in the Union Territory of Delhi. The Ministry of Steel and Mines (Department of Mines) is the administrative Ministry for this purpose. The Lt. Governor of Delhi is the delegate of the President or the Central Government for the Union Territory of Delhi.

- (b) Safety Aspect :

A mining operation be inherently dangerous. Entry 55 of List I—the State List has given the exclusive power to the Parliament to legislate as to the regulation of labour and safety in mines. The Mines Act, 1952 is enacted to ensure the safety of the mines workers. Metalliferous Mines Regulations 1961 have been promulgated under Section 57 of the said Act making detailed provisions for the welfare and safety of the mines workers. The Ministry of Labour is the administrative Ministry for this purpose. Under it is the Directorate General of Mines Safety, entrusted with the task of enforcement of these Regulations.

It is important to note that the economic and safety aspects have been carefully kept apart by the Constitution itself. The Parliament has passed two separate statutes separately dealing with each of them and the Government has entrusted the administrative powers relating to these aspects to two different Ministries. The reason may be that the safety

aspect may not be unwittingly subordinated to the economic aspect. The Directorate General of Mines Safety (DGMS) is the watch dog on the working of the mines to see and enforce the welfare and the safety of the mines workers.

Unregulated exploitation of Bhatti Mines and the growth of vested private interests :

Bhatti mines yielding the red Badarpur Sand are situated close to the metropolis. The mineral is needed in great quantity for the enormous construction work that has been going on in the Capital for the last several decades. Private permit holders there started mining of this minor mineral for their own profit unmindful of the necessity to comply with safety regulations. These permit holders and others who are mining even without regular permits came to regard the mines as their own. Why? Because the State was in the control of mining only theoretically. The actual working of the mines was left to these private operators who had only to deposit the royalty for getting permit. The amount of the royalty varied according to the quantity permitted to be quarried by the permit holders. Since the issue of permits and the quarrying of the minor minerals related only to the economic aspect of mining, neither the conditions attached to the permit nor the powers of the authorities issuing the permit and collecting the royalty extended to the ensuring of the safety of the mines workers. That function was separately done by the DGMS. The result was that the permit holders had a field day in exploiting the minerals as cheaply as possible and in selling it as profitably as possible. The supervision of the mining work by qualified persons required by the M.M. Regulations was not ensured by these permit holders. They did not even comply with the directions etc. given by the DGMS. The result was that the safety of mines workers was totally neglected and large number of accidents continued to occur in Bhatti Mines.

Assertions of the public interest in the safety of the mines workers by the Government :

The Collector (Mines) was issuing permits for extraction of Bajri and Stone and till October, 1975 such a permit was held by M/s. Kiran Pal & Co. for working Bhatti Bajri mines. During the inspections carried out by the officers of the DGMS, it was found that the mining operations were being conducted in haphazard manner. No attempt was made to comply with the safety precautions laid down in the Mines Act, 1952 and the M.M. Regulations 1961. The question of labour welfare measures was never considered. Some accidents occurred in this mine due to the failure to observe the safety precautions. Under Section 23(3) of the Mines Act, 1952, therefore, by letter No. D/32/1/4353 dated 1-5-1970, the DGMS prohibited the working in the mines. The DGMS must have been, therefore, of the opinion that there was an urgent and immediate danger to the life or safety of persons employed in the mines. The result of such prohibitory order is that the mining operations cannot be resumed until the danger is removed. The responsibility for compliance with the safety precautions is placed by Section 18(1) of the Mines Act, 1952 on the owner, agent and manager of every mine. Since the holder of the permit was not complying with the safety precautions though he was the owner and some of his staff may be the agent and the manager of the mine, it becomes necessary to stop further working of the mine. The basic reason for this was the clear conflict between the private interest of the permit holder and the public interest of the safety of the mine workers. The permit holder was interested in minimising the cost of production. The safety of mines workers required that before the mining operation begins, the over burden of earth should be removed. This over burden is two-fold. Firstly, the loose earth covering the minerals has to be removed. Secondly, the earth in situ which clings to the mineral and is harder than the loose earth has also to be removed. This involves initial capital expenditure. It is only a permit holder who makes a long term plan to work the mine who would be expected to make this lay out of expenditure. In the long run he will be compensated for it. Meanwhile, after the removal of the over burden he has to comply with Regulation 106 of the M.M. Regulations. The relevant part of it is as follows :

"106. Opencast workings—In Opencast workings, the following precautions shall be observed, namely :—

(1) In alluvial soil, morum, gravel, clay, debris or other similar ground—

- (a) (i) the sides shall be sloped at an angle of safety not exceeding 45 degrees from the horizontal or such other angle as regional inspector may permit by an order in writing and subject to such conditions as he may specify therein; or
- (ii) the sides shall be kept benched, and the height of any bench shall not exceed 1.5 metres and the breadth thereof shall not be less than the height.

To facilitate such long term planning, leases for long terms were granted under the Mines and Minerals (Regulations and Development) Act, 1957 and under the Minerals Concessions Rules framed thereunder. Provision was also made for renewal of these leases for equally long terms. Unfortunately, a minor mineral was not treated in that way. Under the Delhi Minor Mineral Rules 1962, short term permits were granted. This meant that long term planning was not accepted. The inevitable result was that neither the overburden was properly removal nor were any benches formed as required by Regulation 106 and mining is done without formation of benches. The steep sides of the mine can collapse burying under the debris the mine worker as also the mule used by him to transport the minerals from the bottom of the pit to its surface. It is precisely because such accidents had occurred that the prohibitory order was passed.

On the 3rd May, 1975, it was the Union Labour Minister who by his D.O. No. 11012/110/75-M.I. suggested to the Lt. Governor of Delhi to consider the working of the mine in Union Territory of Delhi departmentally in accordance with the provisions of the Mines Act, 1952 and the M.M. Regulations. The Executive Council of Delhi in its meeting held on 13-11-1975 took the following decision :

"The question of taking over minor mineral operations around Bhatti and Badarpur by the DSIDC was also considered. It was decided that work may be taken over. A separate corporation will be formed for the purpose."

It is extremely important to note that this decision by the Executive Council of Delhi was taken at the request of the Labour Minister whose only anxiety was to ensure the safety of the mines workers. Just as the object of a statute is a key to its meaning, the object of the suggestion that the Bhatti Mines should be worked departmentally was to ensure the safety of the mines workers. For, the Government could make a long term plan and could ensure that Regulation 106 and other safety precautions will be taken before mining is carried on in these mines. Since the Government is a public authority, it can take steps to ensure the public interest both in its economic and its safety aspect. There would be, thereafter, no conflict between the interest of the Government in working the mine and the interest of the Government and law to ensure that the safety of the mines workers is not allowed to suffer.

Take over by the DSIDC :

On the 22nd November, 1975, the Bhatti Mines were taken by the DSIDC. This was simply done by a policy decision of the Collector (Mines) that permit to quarry this mineral would issue only to the DSIDC and to no other person. This meant a monopoly conferred on the DSIDC which was constitutional under Article 19 (6) (ii) of the Constitution. Monopoly by a Corporation owned or controlled by the Government is made constitutional by Article 19(6) (ii) of the Constitution because public interest could be better looked after by the State or by a Corporation owned or controlled by the State. When the DSIDC took over, it knew that prohibitory order issued under Section 22(3) of the Mines Act had already stopped work in an area which may be called old Bhatti Mine from 1970 onwards. It also knew that the only reason for issuing a prohibitory order under Section 22 (3) was that under the existing system of

mining, there was urgent and immediate danger to the life or safety of any person employed in the mine.

What did DSIDC do?

DSIDC was and is a Corporation. Its entity is separate from that of the Government. Its Board of Directors and officers in their capacity of being either Director or a servant of the DSIDC, had to shoulder the responsibility of ensuring mines safety. This is because the DSIDC was the owner of the mine according to the definition of the word 'owner' in Section 2(b) of the Act. Normally, it is General Manager (Mines) who would be the agent and the Manager of the individual mine would be the manager under the Act. The responsibility for compliance with Regulation 106 was of the owner, the agent and the manager under Section 18(1) of the Act. Failure to take such precautions on their part can lead and has led to their prosecution by the DGMS. Under these circumstances, there was no alternative to the DSIDC to work the mines departmentally. Why did they not do so? The answer is found in two reports, one made in 1977 by the DSIDC itself and the other made in 1981 by the Managing Director of the DSIDC as the convener of a Working Group which included the Labour Commissioner, Collector (Mines) and the Deputy Director of Mines Safety.

Revised feasibility report of 1977 on the Bhatti Mining Project by DSIDC :

The following extracts are relevant :

4.3 At present a number of contractors have been engaged to excavate sand. Each has been allotted a particular area over which he removes the overburden and excavates the underlying pay-mineral after making benches under the supervision of our Mining Engineers. With strict supervision it has been possible to enforce benching in pay-mineral since these bring remunerative prices. But the experience in overburden has been sad.

5.3 Thus the overburden removal may be spread over a period of 60 years. The workload per day comes to :

Total overburden : 3.92 m.m.
Workload per day 54 trucks.

It is proposed to get this work done manually by awarding contract. The extra expenditure incurred will be recovered by increasing the levy on A & B Grades from the present rate Rs. 20 to new rates of Rs. 25 per truck.

5.8 During first year very strict supervision has to be maintained so that at the end of this period the requisite side slope and benches have been prepared. It will not be possible during this period to provide for truck loading facilities on the benches. Hence the present method is proposed to be continued during this transition phase.

6.4 For the output of 1000 trucks per day the total face length required would be 2000 metres and number of persons employed would be 3000. After the pit has been developed it is proposed to regulate the working in such a way that any time the working will be confined to 6 benches, in A and B grades. If all the work is done in these six benches the length of each bench will be 333 metres OR there will be 12 benches of half the face length. On top of these will be at least two full benches or four half benches, in 'C' grade.

6.9 The width of benches according to regulation must not be less than the height. But where the truck is to be loaded, the width is proposed to be made ten metres wide so that the truck movements does not hamper the mining operations and vice-versa. The Supervisory staff will ensure a strict enforcement of Bench Width maintenance. It is proposed to make every fourth bench the loading bench, with a width of 10 metres. The top three benches will be 1.5 metres high and same width. The material from top three benches will be loaded on the trucks on the forth bench.

15. It is proposed to modify the system of revenue collection and management of contractors in such a way that the contractors are allowed to sell the product at predetermined rate. These rates will be fixed in such a way that they are in conformity with accepted Govt. norms, while fixing the rates consideration will be given to the cost of production, the cost of guarding & maintaining the staff & the efforts required for sales.

Formation of benches was practicable :

This feasibility report of 1977 is concerned essentially with the practicability of working the Bhatti Mine and the right method to work it. It shows full awareness on the part of the DSIDC that the benches would have to be formed. This was in accordance with the Regulation 106. The report also takes into account the existence of contractors who are quarrying the mineral, the necessity of strict compliance with the formation of benches etc. is emphasised. The report nowhere says that there is any difficulty in formation of the benches and in disciplining the contractors to do so. The report does not give any reason why the working cannot be taken over and be done by the DSIDC departmentally. It is only a matter of inference that DSIDC was reconciled to the working of the mine by the contractors. But the DSIDC did not at all say that compliance with safety precautions by the contractors could not be ensured by the DSIDC. This leads to either of the two inferences : (a) either the DSIDC hoped that the Regulation 106 will be complied with by the contractors or (b) that the DSIDC did not care whether the contractors did so or not.

In the proceedings before us Shri J.R. Vohra, General Manager (Mines) has stated that in the peculiar circumstances of the mines being worked by the contractors, it was not possible for the DSIDC either to work the mines departmentally or to ensure that the contractors work in compliance with Regulation 106. The Managing Director of the DSIDC Shri Bhattacharya did not deny that the new area marked out for mining by the DSIDC can be worked departmentally but only stated that the workmen were not forthcoming to work it. Both he and Shri Vohra apprehended resistance by the existing contractors to the taking over of the mining work by the DSIDC departmentally. They were of the view that a law and order problem existed and they needed large scale police help to tackle that problem. But no indication of such thinking is at all given by the DSIDC in the feasibility report of 1977.

The Working Group report of November, 1981 :

Paras 1 and 2 explain that the reason for the formation of the Working Group and its report was that fatal accidents had occurred in the mine due to the collapse of the sides. Apparently, benches had not been formed on these sides. In para 3, the Group acknowledges the following criticisms levelled against the working of the DSIDC :

- (a) Lack of effective supervision by the DSIDC on the deployment of labour by the contractors.
- (b) DSIDC's existence in the mining activity only as an agency to collect royalty at the checkpost.
- (c) Exploitation of the labour force by the contractors even to the point of prodding them to their death.
- (d) The suspicion that the contractors are working the mines in connivance with senior officers of the Delhi Administration in spite of the ban imposed on the working of the mines by the DGMS.
- (e) Inaction of DSIDC because of political links of the contractors.

A perusal of the report, however, does not show that any convincing attempt was made to answer these criticisms.

In para 10 of the report, it was pointed out that the contractors continued the old system of working in the new Bhatti mine also and the DGMS had to issue a notice under Section 22 (1) to the DSIDC to rectify the defects within the given time but even after the extension of the time originally granted, no improvement was noticed and an order under Section 22 (1A) of the Act was issued by the DGMS on 14-12-1978. In para 12, the Working Group clearly recommended that the DSIDC should expand its role in actual mining operations. But in para 14, it is pleaded that

- (i) The relationship between management and the contractors who could raise and sell minerals independently did not allow adequate control in the hands of the managerial staff to enable them to force the contractors to work mines in accordance with the laid down specifications.

(ii) The mining working has remained unsystematic and dangerous.

Contravention of the DGMS orders :

In 1970, the old Bhatti mine was closed by the prohibitory order of the DGMS. In December, 1978, the new Bhatti mines part A was closed by the order of the DGMS under Section 22 (1A). In September, 1982, para B of the new Bhatti mine was closed by the order of the DGMS. In spite of these orders mining by the contractors was continued in the prohibited areas and the fixed payment per truck was received by the DSIDC from the contractors. Then came the three accidents in January, 1983. It is only from 28-1-1983 that the mines were actually closed by the DSIDC.

Explanation by DSIDC :

In para 15 of the report, it is submitted that a decision was taken by the Delhi Administration to abolish the contract system in August, 1980, after a major accident in August, 1980. Then the report says

"but this could not be implemented and instead agreements were made with the then existing contractors for a period of 11 months with a view to enable them to work the mines in a safe and systematic manner. More than a year has elapsed but the accidents continue to increase both in stone and in Badarpur Sand Mine."

No reason at all is given as to why the decision to work the mine departmentally could not be implemented. This has given rise to the criticism that the DSIDC is either utterly incompetent or it is conniving at the illegal working of the mine.

Departmental working or effective control is practicable :

Para 22 comes to this conclusion and deserves to be reproduced as below:

"Further, as mentioned earlier, as long term measure it would be necessary to introduce a system of management of mines by which both production of minerals and their sale is brought under effective control of the Corporation. At present working in all the mines are scattered, with the result that effective control is not possible both from production and safety point of view. For example in Bhatti Mine production of about 10,000 tonnes per day (current requirement) could be obtained from not more than 10 pits as against existing more than 100 pits which are being operated in the area. The entire operation could thus be concentrated in relatively safer areas of New Bhatti Mines. This will ensure greater supervision on the working of the mines.

It is thus clear that the DSIDC can concentrate on about 10 or even lesser number of pits to raise about 10000 tonnes of minerals per day either by employing departmental labour or by employing raising contractors. The difference between the present contractors and the raising contractors is clear. The present contractors are allowed to become the owners of the minerals mined by them and they sell the minerals to the purchasers, giving the DSIDC only a fixed sum of Rs. 30 or so per truck load. But the raising contractors will not become the owners of the minerals. They will only raise the minerals for the DSIDC for a fixed payment. The minerals will be sold by the DSIDC and not by the raising contractors.

Final conclusions by the Working Group are produced below :—

"Before the report is concluded the Working Group would like to express a word of caution about the recommendations made in the report. In the system presently followed, the contractors are free to raise the minerals and sell the same themselves from the area where they have been working over the years. DSIDC has only been collecting levy at their check posts from the trucks entering the mining area. This has resulted into a situation where contractors have developed almost independent control over the entire mining operations with the attendant financial benefits and they have been

able to resist all attempts of DSIDC for rectification of defects in the working of the mines as also ignore any directives issued in this regard. Large number of qualified Managers, Foremen and Mining Mates have been appointed by DSIDC but they are unable to have any effective control over the workers who are working at dangerous places in spite of the directives to the contrary given in writing to them. The Working Group also learnt that a system of buying and selling the working areas also exists for which some time the amount charged is as high as Rs. one lac. The Working Group, therefore, apprehends that it may not be easy to bring about any change in the existing system of working of mines. The Working Group, however, also feels that as long as the present system continues of the labourers cannot be improved and the death of labourers because of the unsafe working conditions in the mines and cannot also be prevented."

In my view para 32 should be read in the context of para 22. It would then appear that the working of the mines by the DSIDC either departmentally or through raising contractors is practicable and the fears of any unlawful and violent resistance by the contractors are exaggerated. At any rate, according to the Managing Director of the DSIDC, Shri Bhattacharya, the DSIDC is waiting for the labourers to come and work the new virgin mine area departmentally for the DSIDC. There are two reasons why the labourers have not so far responded to the call of the DSIDC. Firstly, the contractors have been begging of them not to work for the DSIDC because the contractors will be deprived of their occupation. Secondly, the labour has to settle its wages with the DSIDC. Till now, the contractors were paying the labour piece wages and the whole family of the labourers including children were working in the mine and women were even working at night contrary to the labour laws. The DSIDC will not allow children to work and women to work at night. Consequently, the wages to be earned by the labourers might be less. But this is not an insoluble problem. The DSIDC would be willing to pay piece wages to the labour and hopefully the labour will also accept those wages without insisting that children should be allowed to work or women should be allowed to work at night.

Terms of reference :

In the light of the background given above we will facilitate our dealing with the terms of reference.

Cause of accidents :

The DSIDC in the written statement signed by its Counsel, Shri R. L. Tandon has admitted in paragraph 2 that all the three accidents which occurred on the 10th, 16th and the 24th Jan., 1983 were caused due to the fall of the sides of the pits at the bottom of which the victims were working in these Mines. The D. G., Mines Safety, has also held inquiries and taken evidence into the occurrence of these accidents. This evidence was made available to me as the Report of these accidents was not submitted by the D. G., Mines Safety in view of the appointment of the Court of Inquiry. This evidence also shows that the accidents were due to the collapse of the sides of the pits. The victims were buried under the debris.

The fall of the sides of these pits has been occurring repeatedly during the past also and used to be the sole cause for the accidents in these Mines. In para 2 of the Report of the Working Group in November, 1981 the details of the accidents causing deaths have been given. The deaths were three in 1977, six in 1978, two in 1979, eight in 1980 and ten in 1981 (upto 20.10.81). The cause of all these deaths was the collapse or the falls of the sides of the pits at the bottom of which the victims had been working.

The Director of Mines Safety, Gaziabad region Shri S. Kumar has also given a statement regarding the causes

of accidents on 10th, 16th and 24th January, 1983. The accident of 10th January, 1983 occurred in the new Bhatti Mines, Part A, whereas the accidents on the 16th and 24th January, 1983 occurred in the old Bhatti Mines. Shri Kumar has rightly stated that the fall of the sides occurred due to the non-compliance of the provisions of Regulation 106 of the Metalliferous Mines Regulations, 1961 and that under Sec. 18 of the Mines Act 1952 the Owner, Agent and the Manager are responsible for the contravention of the provisions of the said Regulation. The Director General, Mines Safety has never been informed that apart from the statutory Owner and Manager any intermediaries were working in these Mines. There has been some uncertainty as to whether Shri J. R. Vohra, General Manager (Mines) was appointed as an Agent by the DSIDC which was undoubtedly the owner of these Mines. Shri Vohra is at pains to show that he was not appointed an Agent. This does not really matter. The responsibility for the compliance with Regulation 106 was admittedly of the DSIDC and there is no denial by the DSIDC that it did not comply with Regulation 106. Nor is it possible to give any legal status to the contractors which were working in the Mines. These persons had never held any permits after the appointment of the DSIDC as the sole permit holder on 23-11-1975. They were working the Mines de facto, but had no standing to do so de jure. The DSIDC knew that it could not transfer the permit to these contractors. As the sole permit holder the DSIDC as the Owner of the Mines was responsible for compliance with Regulation 106.

If the DSIDC wanted to act according to law it had only two options which were recognised clearly in the Report of the Working Group in November 1981. Either it had to work the Mines departmentally by labour employed by itself or it could employ only Raising Contractors or Labour Contractors who would get wages from the DSIDC like the labour actually working in the Mines but would not get any right in the minerals quarried. Unfortunately the DSIDC did not adopt any of these alternatives. On the contrary the DSIDC allowed the contractors to claim the Ownership of the minerals because the DSIDC received only a fixed amount of Rs. 27 or so per truck and the amount of Sales Tax which was Rs. 4 or so per truck and allowed the contractors to sell the minerals to the purchasers. The difference between the sale price and the cost of quarrying the minerals was the profit which ought to have gone to the Owner of the Mines but which was illegally pocketed by the contractors.

The main cause of the accidents, therefore, is the divorce of legal responsibility for compliance with Reg. 106 from the actual working of the Mines. The responsibility was borne by the DSIDC while the quarrying was done by the contractors. The actual compliance with Reg. 106 required the formation of the Benches which alone could have secured the safety of the workers working in the Mines. The sole object of the formation of these Benches in the sides of the pits which are dug for the quarrying of the minerals is to prevent the collapse of the sides. It is admitted by the DSIDC and even by the contractors and emphasised by the Director, Mines Safety and the representatives of the labour working in the Mines that the Mines could not have been allowed to be worked legally without taking this precaution of the formation of Benches.

But the anomalous position was this. The DSIDC tried to discipline the contractors and the labourers to comply with the Reg. 106 and other safety precautions. The Managers and the mining mates of the DSIDC reported against the contractors and labourers contravening Reg. 106 and other precautions. Such reports were made to two authorities, to the Director, Mines Safety and to the Police. With or without these reports the Director, Mines Safety has been discharging its statutory functions under Chapter IV of the Mines Act 1952. Before the mining operations are started the Owner, Agent or the Manager of the Mines has to give a notice to the Director, Mines Safety and others under S. 16(1) of the Act. Under S. 17 of the Act every mine had to be under the Manager who was to be responsible for the central management, supervision and direction of the Mines. The DSIDC as the Owner of these Mines

appointed Managers for discharging these functions. Under S. 18(1), the Owner, Agent and the Manager of every Mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of the Act, and the Regulations. Under S. 18(2) in the event of any contravention of any such provision by any person whatsoever, (the contractors in this case), the Owner, Agent and the Manager of the Mine shall be deemed to be guilty of such contravention unless they prove that they had taken all reasonable means by publishing and to the best of their power enforcing these provisions to prevent such contravention. S. 18(3) makes it quite clear that it shall be no defence in any proceeding brought against the Owner or the Agent of a Mine under this Section that a Manager of the Mine has been appointed in accordance with the provisions of this Act.

Conclusion.—The DSIDC alone was responsible for the occurring of the accidents because it alone could enforce compliance with Reg. 106 and thus prevent these accidents. Of course in a criminal prosecution the DSIDC can take the defence that it had taken all reasonable means to the best of its power to enforce the provisions to prevent such contravention. We are not concerned with the question to what extent the prosecutions launched against the DSIDC by the Director, Mines Safety will succeed and to what extent the defence by the DSIDC will protect it from being convicted.

The question before us is not of criminal responsibility at all. The question before us is whether the DSIDC failed to ensure compliance with Reg. 106 and was thus not only legally but also morally responsible for the occurring of the accidents. After hearing the DSIDC the PUCL, the representatives of the labour, the representatives of the contractors and the Director of Industries, Delhi Administration and also workmen and Shri R. L. Tandon counsel for the DSIDC the only conclusion that we could form was that the legal and the moral responsibility of the DSIDC for the occurrence of these accidents cannot be explained away. The reasons for this conclusion may be shortly stated as below :

1. Just as no person can undertake the mining of any major mineral except in accordance with a lease granted by the State Government in view of S. 4 of the Mines & Minerals (Regulation & Development) Act 1957, no person can quarry or cause to be quarried any minor mineral without first obtaining the permit from the Collector of the Mines in view of clause 3 of the Delhi Minor Minerals Rules 1962. The application for such a permit is to be made under clause 4 of the said Rules and this must have been done by the DSIDC. It is immaterial whether the Mine is situated on the land which is owned by the Government or a private person. Rule 27 of these Rules prohibits the owner of the land on which the quarry is situated from interfering in any way with the quarrying done by the permit holder. The right of the owner of the land is only to receive compensation determined by the Collector of the Mines keeping in view the provisions of the Land Acquisition Act. The DSIDC alone was, therefore, the owner of these mines as the sole permit holder within the definition of the term "owner" in S. 2(1) of the Mines Act 1952.

2. The DSIDC was thus directly responsible for the formation of the Benches as required by Reg. 106. It had either to do itself or get it done by the Raising Contractors/Labour Contractors. It neither did it itself nor got it done by the Raising Contractors/Labour Contractors.

3. It is true that the formation of Benches has to be preceded by the removal of the overburden of the earth covering the minerals. The money spent on such removal is a capital investment which will yield return only after the minerals are quarried and sold. The Government was aware of the need for such expenditure and was prepared to meet it. It was a duty of the DSIDC to have received such finance from the Government. It could then itself use the money by removing the overburden or get the

overburden removed by the contractors by paying them from this fund.

4. It is also true that the system of issuing permits was not suited to a long range operation by the permit holder. For, the royalty had to be deposited by the permit holder in advance. Since the amount of money to be so deposited would be very large if the permit was to be for long period, the DSIDC got a permit for eleven months or one year and deposited the amount of the royalty calculated on the out-turn of the minerals to be worked during the period of the permit. Nevertheless the DSIDC knew that the policy of the Government was that the Mines should be worked by a Public Undertaking because the contractors prior to November 1975 had repeatedly shown that they would never comply with Reg. 106 if the mining was left to them. The DSIDC also says that inspite of repeated requests and warnings to the contractors there was no compliance with Reg. 106 by the Contractors. The DSIDC thus knew that the permit would be renewed to it every year. The DSIDC thus could have planned a long period operation of the Mines and could have got the overburden removed before the actual mining started. It is the defective removal of the overburden which directly contributed to the collapse of the sides of the pits in the absence of the Benches. The DSIDC knew that the contractors could never be expected to remove the overburden effectively because legally they had no right to quarry and, therefore, no responsibility for the formation of the Benches.

5. The DSIDC resorted to issuing licence to the contractors in 1981 on an experimental basis. The reason for the issue of these licences is not clear. If it was to make the contractors Raising/Labour Contractors then this purpose has not been fulfilled because the contractors claimed the ownership of the minerals and sold them. If it was to transfer legal responsibility for the formation of the Benches to the contractors then it was futile. For, the permit holder was not authorised to do so.

6. As stated above, the working in the Old Bhati Mines was prohibited by the Director General, Mines Safety in 1970, that in new Bhati Mines—Part A in December 1978 and in new Bhati Mines—Part B in September 1982. The working could not be resumed unless the defects which made the working dangerous to the safety of the miners were rectified. Thus the actual working of the Mines without rectification was not only a contravention of Reg. 106 and other safety precautions but also was violation of the prohibitory orders issued by the Director General, Mines Safety. It was only on the 28th Jan. 1983 that the Mines were actually closed for working though clandestine working seems to have gone on here and there in the Mines even thereafter. But the majority of the contractors have shifted their operations to the adjoining Mines in Haryana. Like the dacoits who operate on the inter-State borders, the Contractors are quarrying the minerals on the boarder between Delhi and Haryana. Questioned by the Delhi authorities, they would say that they are working in Haryana and vice versa. If the DSIDC could not really prevent the contravention of Reg. 106 by the Contractors, it could have abstained applying for the renewal of the permit. In that event the Mining Department of the Delhi Administration would have become responsible to prohibit the contractors from mining. Unfortunately the DSIDC continued to apply for the renewal of the permit and yet did not exert itself enough to ensure compliance with Reg. 106 and thus to prevent the accidents. Their liability for the causation of the accidents is their negligence in ensuring compliance with Reg. 106. Alternatively, the DSIDC could have abstained from obtaining the permit and thus freed itself from such responsibility.

7. The obtaining of the permit involved the deposit of the advance royalty by the DSIDC. This compelled the DSIDC to recover some sort of levy and sales tax from the Contractors. This conduct of the DSIDC appeared as if the DSIDC was condoning the illegal operations of the Contractors. A public corporation like the DSIDC should have taken care not to allow its image to be sullied like this in the public mind.

8. The feasibility report of 1977 did not envisage any insuperable obstruction to DSIDC working the Mines in accordance with law. The report of the Working Group in 1981 suggested a practical method of operation of Mines in para 23 of the Report. This was to employ Raising/Labour Contractors whose licences would be forfeited for contravention of Reg. 106 and would also be liable to pay heavy penalty for such contravention. There is no satisfactory explanation why this system has not been brought into operation since then.

9. In para 22, the size of the problem was determined by the Working Group. It was practicable to restrict the working of the Mines to 10 pits or less with the help of about 3,000 workmen. Supervision for compliance with Reg. 106 with such a smaller area was practicable according to para 22. It is regrettable that this was also not put into operation by the DSIDC.

10. In para 32 of Working Group Report, it is pointed out that the Contractors with vested interests would resist the implementation of the above measures and it would not be easy to bring about any changes in the existing system of the working of the Mines. But the Working Group also recognised that if the present system is allowed to continue then the deaths caused by the accidents and the accidents caused by the falling of the sides of the pits could not be prevented. The mere fact that "it would not be easy to bring about the change" cannot be a satisfactory explanation for not bringing about the change.

11. Shri Bhattacharya, the Managing Director of the DSIDC, has at last thrown open the virgin area for departmental mining. This means that from 4th Feb., 1983 onwards when this offer has been made by the DSIDC to the labourers the Contractors did not create any law and order problem. It was only stated on behalf of the pro-Director Labour that the Labour has not yet accepted the offer of the DSIDC because the Contractors are persuading them not to co-operate with the DSIDC in departmentally working the Mines. The Contractors say that this will deprive them of their means of livelihood. On the other hand Swami Agnivesh who is the leader of the independent labour and whose Union has about 1500 labourers said that the members of his Union will be willing to give full co-operation to the DSIDC in the departmental working of the Mines if realistic wages were paid to the labourers. The labour was receiving piece wages. The work was done not only by the adults but also by children and by women at night. DSIDC cannot allow work by children and by women at night. It has only to ensure that piece wages payable to the labourers are commensurate with the piece wages received by the labourers from the Contractors making allowance for the fact that children are not allowed to work and women are not allowed to work at night. This difficulty will be solved in course of time because the labour wants to earn wages and the DSIDC also wants that the supply of the minerals should not be stopped for too long a time to the detriment of the customers. The Officers of the DSIDC will, however, have to come out of their shell and sit down to talk with the labour and the labour leaders and to hammer out the rate of the piece wage by intensive negotiations. If the permit holder was a private person or a private corporation it is impossible to believe that it would not be able to arrive at an agreement with the labour as to the rate of piece wages. If a private person or a private corporation can do so, the public undertaking like the DSIDC must prove that it also can do so.

The existing conditions in which mining operations are carried out in Bhati Mines.

(1) The fundamental anomaly of the existing conditions of work is this. Legally, the sole permit holder, the DSIDC, alone is authorised to quarry the mineral. Actually the mineral is quarried by the Contractors. There is no legal relationship between the DSIDC and the Contractors. Such relationship cannot exist if the Contractors are to work independently. For, the DSIDC cannot assign the permit to the Contractors. The DSIDC can only employ Raising/Labour Contractors.

(2) The public interest in both its dimensions—(a) economic and (b) safety of the mines has been completely sacrificed by the existing system of work. The ownership of the minerals is in the permit holder the DSIDC. It alone has the right to sell the mineral. Yet the mineral is being allowed

to be sold by the Contractors who have no right to do so. The profits of such sale ought to have come to the public revenue. To allow the contractors to take them away is to connive at an open theft of valuable national resources. It is highly regrettable that such connivance should be on the part of a public corporation like the DSIDC.

(3) The sacrifice of the public interest in the safety of the miners working the Mines is equally indefensible. It has not been shown that the DSIDC was physically prevented at any time from working the Mines departmentally or with the help of Raising/Labour Contractors. The real reason why the Officers of the DSIDC have not actually and physically tried to work the mines departmentally or with the help of Raising/Labour Contractors is this. The Officers of the DSIDC have either been Civil servants in the past or have tended to imbibe the mentality of civil servants. It is well known how civil servants are averse to shoulder responsibility for unpopular decision or to take risks in pushing through unpopular reforms. But the working of a public undertaking cannot be a success unless this mentality is cast away. The very object of entrusting a mining to a public corporation is to give it autonomy. A corporation unlike the Government is intended to be free from political influence. The slowness of a Government Department may sometime be due to consideration of public opinion or political considerations, but the DSIDC does not have to take these factors into account. At any rate, the public opinion has been shown to be overwhelmingly in favour of the mining being done strictly in accordance with the safety precautions and particularly in compliance with Reg. 106. Indeed, certain articles in the Press have accused the DSIDC for failing to enforce the safety precautions in mining. Even corruption has been alleged against them. The reason is that the only difficulty in the enforcement of existence of the Contractors who are habituated to do the mining work without compliance with Reg. 106 and other safety measures put forward by the DSIDC is the physically impossible for the DSIDC to enforce the law. It is true that these contractors are openly saying that they would not allow their Mines to be taken away from them and they also threatened Swami Agnivesh, the leader of the independent labour if he were to help the DSIDC in actually taking over the Mines. But even private persons have not been deterred by such oral threats. They have sought Police help when necessary. Why cannot the DSIDC act like a private entrepreneur? Unless it does so, it will be behaving like the proverbially inactive civil servant. As an independent entity the DSIDC has no business to behave like supine civil servants. It must act like a businessman, who will not allow the economic and the safety aspects of public interest to be defeated by a few disgruntled persons.

charges and corrective measures to improve the working conditions and to prevent accident in the said mines in future.

Now, we come to the most important part of the inquiry. It is true that the causes of the accidents had to be found and the existing working conditions had to be enquired into. But the inquiry into the past causes of the accidents and into the present conditions of the working of the mines was to be the foundation for the measures to improve the conditions of work and to prevent the accidents in future. The inquiry into the causes of the accidents was not with a view to punish anyone but with a view to know what should be done to eliminate the causes of the accidents so that the accidents are prevented in future. Similarly, the inquiry into the present working conditions was not primarily with a view to condemn anyone in particular but with a view to improve the present conditions for ensuring a better life to the workmen. While our attitude has been constructive, we regret to say the DSIDC was more anxious to escape responsibility for the past and the present rather than to suggest and bring about improvements for the future. This is illustrated by the statement filed by Shri J. R. Vohra, General Manager (Mines) and also by his oral evidence. His main anxiety was to show that he was not the agent of the owner of the mine even though DSIDC was the owner and he was the General Manager (Mines). It may be that he has successfully avoided being appointed as the agent by the DSIDC but it is really a shame that he was compelled to take such a technical plea. It was expected of him to own the responsibility for the illegality committed by the DSIC in permitted contractors to mine the mineral and sell it when DSIDC alone was legally entitled to do so. No wonder allegations of connivance complicity or even corruption has been made by the press by the contractors and other members of the public against

such officers of the DSIDC. The illegality and immorality of this system was admitted by everybody who participated in the inquiry and was clear to us. We are of the view that the DSIDC was certainly in a position to have ended this system long ago. There was no real justification why the DSIDC did not do so. As stated above, the only possible reason could be either sheer incompetence unworthy of any of civil servant or servants of a corporation or complicity and/or corruption, in league with the contractors. The changes and the corrective measures are therefore to be directed against ending this system and eliminating the contractors from it as they have no legal or a moral right to mine and sell the minerals. Since the economic and the safety aspects of mining act on each other, the changes and the corrective measures have to relate to both these aspects.

The Economic Aspect :

1. In respect of major minerals under the Mines & Minerals (Regulation & Development) Act, 1957 and the Mineral Concession Rules framed thereunder long term leases are given to persons or corporations for mining. These leases are also renewable for equally long terms. The reason is that a considerable capital investment has to precede the ultimate profit to be derived from mining and to ensure safety of the miners. The Delhi Minor Mineral Rules provide for permits rather than leases. But this gives in impression of short-term permits. Long term permits are not prohibited but in practice they are difficult to obtain because the amount of advance royalty to be deposited would be unduly high. The first change needed, therefore, is that permits under the existing rules or leases after amending the rules should be for long periods. They should also be renewable for equally long terms in view of the long-term capital investment made by the permit holders or the lessees. The permits or leases should be given to the DSIDC or a newly created mining corporation owned and/or controlled by the State for a period of 15 or 20 years as recommended by the Working Group.

2. The pre-requisite of advance payment of royalty and attaching No Objection Certificates from the Land owners by the DSIDC should be dispensed with by the amendment of the rules.

3. The ownership of the DSIDC in the minerals is assured by the law and must be asserted by the DSIDC. Those contractors who claim the ownership of the minerals must not be allowed to do any mining work at all. The sale of the minerals must be done by the DSIDC and the profits of the sale must go to the DSIDC.

4. In view of the necessity for safeguarding the public interest both in its economic and safety aspects it is necessary that the permit/lease of mining the minor mineral must be given only to the DSIDC or another public corporation formed exclusively for the purpose of mining. This alone will prevent the greed of making profit from defeating the compliance with safety measures.

5. The working of the mines be done either departmentally by the DSIDC directly employing their labour or by employing that what the Working Group has called Raising Contractors. The word "contractor" has however, assumed a meaning which gives him a right in the mineral. It also looks as if the DSIDC has assigned some of its own rights to the contractors. We recommend, therefore, that this word should be avoided and instead the expression "labour supervisors" should be used. For, the work to be done is better described as that of a labour supervisor than that of a Contractor. The "raising" indicates the necessity of ensuring an adequate out-turn of the mineral by the work of the labour. This can be ensured by the payment of wages by piece rates and not by time rates. Piece wages have everywhere succeeded in getting the desired out-turn from the labour and thus should be adopted by the DSIDC as they used to be adopted by the contractors in these very mines.

6. The actual rates of piece wages could be settled even with the heads of families so long as care is taken that children do not work at all and women do not work at night.

7. Preference should be given to the employment of those members of the labour force who have actually worked in these Mines and fresh labour should not be brought in unless the existing labour is either un-cooperative or insufficient in number.

8. The capital investment in the removal of the over-burden as a pre-requisite to the starting of the actual mining operation should be made by the DSIDC inasmuch as the profits of the sale are also to be taken by the DSIDC.

9. The terms of the labour supervisors and the labour should be standardised. They should be the same based on piece wages irrespective of the value of minerals or the price that would be fetched by the sale of the minerals.

10. Those among the existing contractors who are prepared to work on wages and who agree not to claim the right to sell the minerals, may be employed as labour supervisors if the DSIDC is satisfied that they would be law abiding.

11. The present General Manager (Mines) has not shown adequate awareness of his responsibility. In the nature of things he has to be held responsible for the incompetence or connivance of the DSIDC at the illegal mining done by the contractors and the failure of the DSIDC to comply with the safety precautions. He would not appear to be right choice to begin the new system of working. On the other hand, Shri Bhattacharya, the Managing Director, as a candid and conscientious officer has shown his preparedness to change the system and has actually attempted to do so. This was the first attempt made by him on 4th February, 1983. But his predecessors as also the General Manager of Mines Shri Vohra and his predecessors should have made such an attempt long ago. It would be perhaps desirable to start the working of the new system with a new General Manager assisting the Managing Director and even lower down new personnel as far as possible.

The Safety Aspect :

1. The dichotomy of the leasing or working of the mines being with the Ministry of Steel and Mines (Department of Mines) and the enforcement of laws and regulations to ensure the safety of the miners being with the Ministry of Labour has advantages and also disadvantages. One advantage has been to ensure the independence of the Directorate General of Mines Safety in enforcing the laws and regulations. This may be the reason why they are not subordinate to the authorities who regulate the granting of leases and the conditions attached to them. But experience in the Bhatti Mines has shown that not the contractors but even a responsible public corporation like the DSIDC has not been restrained from indulging in illegal and immoral practices by the fear of the exercise of the powers entrusted in the DGMS under the Mines Act, 1952 and the M.M. Regulations, 1961. The DGMS (particularly its dynamic and dedicated Director Shri S. Kumar who is in charge of this region) has done an excellent job. It has been tireless as a watch dog. It has discharged its statutory functions with honesty and independence but the scope of the action to be taken by the DGMS is limited. According to the provisions of Chapter IV, V and IX of the Mines Act, 1952 to ensure the safety of miners, the DGMS can issue notices of warning, can stop the law breakers from working and can ultimately prohibit the mining operations until the danger to the miners is removed. Law breakers are subject to penalties and prosecutions under Chapter IX. But the prosecutions or judicial proceedings take long time. The illegal mining in the Bhatti Mines took place in spite of the prohibitory orders and in spite of the prosecutions launched by the DGMS. Obviously, the fear of these provisions has not proved sufficient to deter the law breakers. Something more has to be done ensure that the legal provisions are not violated.

2. The authorities administering the grant of leases and permits have to lend their support to the authorities ensuring the safety of the mine workers. This may be done by attaching new conditions to the leases and the permits for mining. These new conditions should empower the authorities granting leases and permits to cancel leases and permits for the contravention of these new conditions. The new conditions will be that the lessee or the permit holder would be bound to comply with the provisions of Mines Act, 1952 and the Metaliferous Mines Regulations 1961 (Regulation 106 in particular). In case of noncompliance, the authorities granting leases and the permits will have the right to forfeit the leases and the permits if they become aware that the lessee or the holders of the permit are not complying with the safety precautions in spite of the appropriate action taken by the DGMS. In future, the DGMS shall send copies of all proceedings taken

by them under the Mines Act, 1952 and the M.M. Regulations, 1961 to the authorities granting leases and permits and these authorities shall act on receiving this information in taking steps to cancel leases and permits after hearing those against whom action is to be taken.

3. The ecological considerations should also be taken into account and appropriate obligations should be imposed on the lessees and the permit holders in working of the mines. The mines in the Bhatti area have been worked without any consideration to ecology. The pits present a horrifying spectacle of unregulated exploitation of the minerals and the spoliation of the land. Mining should not be a robbery but should be a scientific winning of the minerals.

4. The conditions may also added to the lessee and the permits making it incumbent on the lessees and the permit holders to comply with the relevant provisions of the Mines Act, 1952 and the M.M. Regulations 1961, particularly Regulation 106 which should be fully reproduced on the back of the permit itself.

5. The enforcement of safety precautions will be facilitated if a new area opened for mining is restricted to 10 or less pits to ensure the out-turn of 10,000 tonnes per day with the help of labour force of about 3,000 a day.

6 At the time of granting permit or the lease, it should be made clear that the lessee or the permit holder will work the mines himself. Alternatively, he may employ the labour and also labour supervisors on wages but without giving them any title to the minerals. This should also be a condition attached to the permit. How much area can be worked by how many labourers and labour supervisors may be determined by the Collector of Mines in consultation with the DGMS.

7. For planning and working the mines in a systematic and safe manner, investment of a sizeable capital is required for the removal of the over burden consisting of the loose earth as also the earth in situ and also for the payment of royalty to the State Government in advance. We have also recommended that the royalty need not be paid in advance if the lease or the permit is granted to a State Corporation. Provisions must be made in the budget of the State Corporation for capital expenditure on the removal of the over burden. Similarly, provision has to be made for construction of canteens, first aid rooms, rest shelters and other welfare measures and appointment of medical and welfare officers. The DSIDC has submitted a note on 29-4-1983 stating the details and the existing welfare measures at the Bhatti Mines. These are not adequate and they should be further supplemented.

8 The wages payable to the labour and the labour supervisors should be uniform and in accordance with the minimum wages legislation applicable. They should be appropriate to the work involved and should not vary according to the value of the minerals extracted.

9. Proper registers should be maintained in respect of the labour employed including the labour supervisors, the wages paid to them, the quantity of the mineral which has been raised and which has been sold.

10. Since the labour and the labour supervisors are to be employed directly by the DSIDC, no workmen or labour supervisors shall be deemed to be employed as contract labour within the meaning of the Contract Labour (Regulation and Abolition) Act, 1970. In this way, the word "contractor" and the words "contract labour" will have to be avoided altogether.

11. The mineral bearing area should be identified and demarcated into zones. Each zone should be sufficiently big and amenable for systematic benching. The zone may consist of one or two big mines for easy supervision and control. Each of the zones may, as far as possible, include virgin area and worked out pits so that production can come from virgin areas while the old pits could be under reconstruction and development and the cost can be balanced.

12. The old pits should be widened for formation of benches required under regulation 106 of Metalliferous Mines Regulations, 1961 and the prohibitive orders issued by the Directorate of Mines Safety vacated before regular production from these pits is commenced. Till such prohibitive orders are vacated, approaches to the bottom of all the pits covered by such orders should be blocked effectively prevent entry.

3. Adequately thick barriers may be provided between the zones for laying approach roads.

14. The boulders on the surface may have to be blasted and the ground levelled before exploitation.

15. Some of the pits have reached ground water level beyond which mining is fraught with the danger of land slides even when benches are only 1.5m. high. It is, therefore, advisable to keep general angle of the slope of the pits at about 30 degree or so. For this purpose, there has to be a wide bench after every 3 or 4 small benches.

16. The system of payment of compensation for accidents caused to the mine workers has to be properly organised. The liability of the employer (DSIDC) to pay compensation for injuries suffered by a labourer during the mining arises under Section 3 of the Employers Liability Act, 1938 unless no blame for the accident can be attached to the employer or to a co-employee. The Workmen Compensation Act 1923 will not apply as the labourers in the Bhatti Mines are paid piece wages. It may also be considered if the Employees State Insurance Scheme can be made applicable to these labourers. For payment of ex gratia compensation a Labour Welfare Fund may have to be created.

We are pleased to record that the Court of Inquiry and the Assessors have been unanimous in their views and recommendations. We are thankful to the co-operation extended by the Government of India, Ministry of Labour, particularly by Shri S. Kumar, Director Mines Safety for this Region as also by the PUCL and by Swami Agnivesh and Mrs. Lewis representing the independent labourers in the Mines. The contractors fall into two groups, those who live in the Mining area and consider the Mines as their own and the others who come to Mine from outside. The former contractors refused to co-operate and even expressed their resentment against not being allowed to claim the ownership of the minerals. Shri J.K. Sethi, belonging to the latter group, on the other hand, expressed his willingness to co-operate in the new scheme of employing the contractors as Raising Contractors or Labour Supervisor.

We regret to say that the time taken by the inquiry was prolonged only because of the delays caused by the DSIDC who was firstly not prepared to face the inquiry and secondly had no satisfactory explanation to give for its dismal failure to manage the Mines in compliance with law.

This sad story of the Bhatti Mines is a warning against certain pit falls. Firstly, the public interest in the scientific exploitation of the Mines and in the taking of safety precautions to prevent accidents to the miners are not likely to be protected/obeyed by those persons who are interested only in making quick profits by haphazard mining without complying with the safety precautions. Secondly, even when a Public Corporation like the DSIDC is made the sole permit holder having the sole right to mine the minerals the protection of these public interests is not automatically assured. The employees of the Corporation must realise that they are public servants not only in law but in fact. They must fulfil their statutory responsibilities or otherwise step aside. It is hoped that the shocking spectacle of one Department of the Government (Directorate General of Mines Safety) prosecuting a State Corporation set up by another Department of the Government (DSIDC) will never be seen again.

New Delhi, 3rd May, 1983

Sd/-

V. S. DESHPANDE, Court of Inquiry
[F. No. N-11015/3/83-MI]
J. K. JAIN, Under Secy.

नई दिल्ली, 3 अगस्त, 1983

का०आ० 3292 केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 1 की उपधारा (4) के अनुसरण में यह निदेश देती है कि भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का०आ० 373 तारीख 30-1-1982 का निम्नलिखित संशोधन किया जाएगा अर्थातः—

उक्त अधिसूचना में "मैसर्स दुर्ग जिला सहकारी भूमि विकास बैंक मर्यादित दुर्ग (मध्य प्रदेश)" शब्दों के स्थान पर निम्नलिखित शब्द और अंक रखे जायेंगे,

"दुर्ग जिला सहकारी भूमि विकास बैंक मर्यादित दुर्ग (मध्य प्रदेश) जिसके अन्तर्गत (1) बेमोतरा (2) बालोद (3) दुर्ग शहर" स्थित उसकी शाखाएं भी हैं।

[सं० एस०-35019/188/81-पी०एफ० 2]

New Delhi, the 3rd August, 1983

S.O. 3292.—In pursuance of sub-section (4) of section 1 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour S.O. No. 373, 30th January, 1982, namely :—

In the said notification for the words and figures "Messrs Durg Jila Sahakari Bhumi Vikas Bank Maryadit, Durg, Madhya Pradesh)" the following words and figures shall be substituted: "Durg Jila Sahakari Bhumi Vikas Bank Maryadit, Durg, (Madhya Pradesh), including its branches at (1) Bame-tara, (2) Balod and (3) Durg City".

[No. S-35019(188)/81-PF.II]

का०आ० 3293.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ईस्टर्न मार्केटिंग इन्टरप्राइस, 32 एण्ड 34-ए, सरदार शंकर रोड, पोस्ट बॉक्स 16213, कलकत्ता-28 नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35017/62/83-पी०एफ० 2]

S.O. 3293.—Whereas it appears to the Central Government the employer and the majority of the employees in relation to the establishment known as Messrs Eastern Marketing Enterprise, 32 & 34-A, Sardar Sankar Road, Post Box 16213, Calcutta-700029 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(62)/83-PF.II]

का०आ० 3294.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जादवपुर कनजुवरस कोपरेटिव स्टोर्स लिमिटेड, डी-1, मी०आई०टी, सुपर मार्केट, कलकत्ता-32 नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किये जाने चाहिए.

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस०-35017/63/83-पी०एफ० 2]

S.O. 3294.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Jadavpur Consumers' Co-operative Stores Limited D-1, C.I.T., Super Market, Calcutta-32 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishments;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(63)/83-PF.II]

का०आ० 3295.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स गोदावरी मैनर सहकारी शेखर कारखाना लिमिटेड शंकर नगर डाक रामतीर्थ तालुका: बिलोली जिला नन्दद, महाराष्ट्र नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35018/46/83-पी०एफ० 2]

S.O. 3295.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Godavari Manar Sahakari Sakhar Karkhana Limited, Shankar Nagar, P.O. Ram-tirth Taluka:—Biloli District Nanded, Maharashtra have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35018(46)/83-PF.II]

का०आ० 3296.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 1 की उपधारा (4) के अनुसरण में, यह निदेश देती है कि भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का०आ० 371, तारीख 15 जनवरी, 1982 का निम्नलिखित संशोधन किया जाएगा, अर्थातः—

2. उक्त अधिसूचना में, "मैसर्स सोशियल वेलफेयर सेन्टर, नंद नगर, इंदौर" प्रविष्टि के स्थान पर "मैसर्स सोशियल वेलफेयर सेन्टर, नंद नगर, इन्दौर जिसके अंतर्गत

(1) सेंट जोसेफ सेविका, (2) संत प्रकाश, (3) हमारा (4) केपर्स (5) शान्ति निकेतन (6) गार्डन, (7) श्री नगर (8) सेरीकल्चर, (9) पालिया फार्म, और (10) बिल्डिंग पालिया रिपैयर स्थित उसके एकक हैं" प्रविष्टि रखी जाएगी।

[सं० एस-35019/118/81-पी०एफ०-II]

S.O. 3296.—In pursuance of sub-section (4) of section 1 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.O. 371 dated the 15th January, 1982.

2. In the said notification for the entry "Messrs Social Welfare Centre, Nanda Nagar, Indore" the entry "Messrs Social Welfare Centre, Nanda Nagar, Indore including its units at (1) St. Joseph Savika, (2) Sant Prakash, (3) Hamara, (4) Keepers (5) Shanti Niketan, (6) Garden, (7) Shri-Nagar (8) Sericulture, 9) Pallia Farm and (10) Building Pallia Repairs shall be substituted.

[No. S. 35019/(118)/81-PF.II]

का०आ० 3297.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एलडी एन्टरप्राइजिज, 6692/1, खारी बावली, देहली-110006 नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है, कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019(188)/83 पी०एफ०-II]

S.O. 3297.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Eldee Enterprises, 6692/1, Khari Baoli, Delhi 110006, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (188)/83-PF.II]

का०आ० 3298.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ब्रुस्टन पेंटस (इंडिया) प्राइवेट लिमिटेड, 6433, कटरा बरयान, फतेहपुरी, देहली-110006 (इंडिया) नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस 35019(189)/83-पी०एफ-II]

S.O. 3298.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Boston Paints (India) Private Limited, 6433, Katra Baryan, Fatch puri, Delhi-110006 (India) have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (189)/83-PF.II]

का०आ० 3299. केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स न्यू अमर गुड्स कैरियर्स, 4141, नया बाजार दिल्ली-6, और इसकी मदुरई, मैसूर, मद्रास और त्रिची स्थित शाखाएं भी हैं। नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019(190)/83-पी०एफ-II]

S.O. 3299.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs New Amar Goods Carriers, 4141, Naya Bazar, Delhi-6 including its branches at (i) Madurai (ii) Mysore (iii) Madras, and (iv) Trichy, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (190)/83-PF.II]

का०आ० 3300.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सी०बी० एण्ड कम्पनी, ट्रेडिंग यूनिट, एम०जी० रोड, अरनाकुलम, कोचीन-682016, केरल नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किये जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019(192)/83-पी०एफ-II]

S.O. 3300.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs C.V. & Company, Trading Unit, M.C. Road, Ernakulam, Cochin-682016, Kerala have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment,

[No. S-35019 (192)/83-PF.II]

का०आ० 3301.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स माम्मेन एण्ड जोन, 42/931, पावर हाउस रोड, अरनाकुलम, कोचीन-682018, केरल नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019(193)/83-पी० एफ०-II]

S.O. 3301.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mamen & John, 42/931, Power House Road, Ernakulam, Cochin-682018, Kerala, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (193)/83-PF.II]

का०आ० 3302.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दानवगेरे सा मिल्स एण्ड वुड वर्क्स, गांधीनगर, सागर-577401, कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस 35019(194)/83-पी० एफ०-II]

S.O. 3302.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Davangere Saw Mills & Wood Works, Gandhi Nagar, Sagar-577401, Karnataka have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952

(19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (194)/83-PF.II]

का०आ० 3303.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सुन्दरम्स टेक्स्टाइल्स, 73 जी० ए० रोड, मद्रास-600021 तमिल नाडू नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019 (196)/83 पी० एफ०-II]

S.O. 3303.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sundaram's Textiles, 73, G.A. Road Madras-600021, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (196)/83-PF.II]

का०आ० 3304.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स राजा रानी इण्डस्ट्रीज, डाकघर मूडीकल, पेरम्बावूर-683547, कन्नाथुरान्डू तालूक, जिला अरनाकुलम, केरल नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019 (198)/83-पी० एफ०-II]

SO. 3304.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Raja Rani Industries, Mudical P.O., Perumbavoor-683547, Kunnathurandu Taluk, Ernakulam District, Kerala have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (198)/83-PF.II]

का०आ० 3305.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बीना एन्टरप्राइजिज, 22, ईस्ट सम्बन्धम रोड, आर० एस० पुरम, कोयम्बटूर-2, तमिल नाडू राज्य जिसमें उनकी 5ए अरवामुधु गार्डन स्ट्रीट, ईगमोर, मद्रास-8 स्थित शाखा भी है नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019 (199)/83-पी०एफ-II]

S.O. 3305.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Beena Enterprises, 22, East Sambandam Road, R.S. Puram, Coimbatore-2 Tamil Nadu State including its branches at 5A, Aravamudhu Garden Street, Egmore, Madras-8, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

[No. S-35019 (199)/83-PF.II]

का०आ० 3306.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एस० टी० एम्पलाइज को-ओपरेटिव क्रेडिट सोसाइटी लिमिटेड, होमूर, हुबली-21 कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019 (201) 83-पी० एफ०-II]

S.O. 3306.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs S.T. Employees' Co-operative Credit Society Ltd., Hosur, Hubli-21, Karnataka have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (201)/83-PF.II]

का०आ० 3307.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ओस्वीन लैबोरेटरीज प्राईवट लिमिटेड, 92, डा० नरेश रोड, भाईनापोर, मद्रास-600004 तमिल नाडू

नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019 (202)/83-पी० एफ०-II]

S.O. 3307.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Oswin Laboratories Pvt. Ltd., 92, Dr. Naresh Road, Mylapore, Madras-600004, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (202)/83-PF.II]

का०आ० 3308.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स संजीवनी नर्सिंग होम, गोकक-591307, जिला बैलगाँव, कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019 (203)/83-पी० एफ०-II]

S.O. 3308.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sanjeevani Nursing Home, Gokak-591307, District Belgaum, Karnataka have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (203)/83-PF.II]

का०आ० 3309.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इन्डोफैब इन्डस्ट्रीज, 33 सिडको इन्डस्ट्रीयल एस्टेट, कोयम्बटूर-641021 जिसमें उनका रामनगर कोयम्बटूर-9 स्थित मुख्य कार्यालय भी शामिल है नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019 (204)/83-पी० एफ-II]

S.O. 3309.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Indo-Fab Industries 33, Sidco, Industrial Estate, Coimbatore-641021 including its Head Office at Rumnagar, Coimbatore-9, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (204)/83-PF.II]

का० आ० 3310.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स उप्पुत्तिल एजेन्सीज, एस्टेट सप्लायर्स, कलारिककल बाजार, पोस्ट बाक्स नं० 174, कोट्टायम-686001 केरल राज्य नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019 (205)/83 पी० एफ-II]

S.O. 3310.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ooppoottil Agencies, Estate Suppliers, Kalarickal Bazar, Post Box No. 174, Kottayam-686001, Kerala State, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (205)/83-PF.II]

का० आ० 3311.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इन्डस्ट्रियल स्पेयर्स मनुफैक्चरिंग एण्ड ट्रेडिंग कम्पनी 203, लिथी चेट्टी स्ट्रीट, मद्रास 600001 तथा सं० 68 एवं 76, फंकशनल डेवेलोपिंग इन्डस्ट्रियल एस्टेट ओल्ड महाबलीपुरम रोड, मद्रास स्थित इसकी फैक्ट्री सहित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019(26)/83 पी० एफ-II]

S.O. 3311.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Industrial Spares Manufacturing & Trading Co. 203, Linghi Chetty Eteel Madras-600001 including its factory at 66&76 Developed Industrial Estate, Old Mahabalipuram Road, Madras, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (206)/83-PF.II]

का० आ० 3320.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स फोर्टस (इंडिया) लैबोरेटरीज प्राईवेट लिमिटेड, 11/55, फेसिट एवेन्यू, मद्रास-96 तथा इसके प्रशासन कार्य-लय-64 तथा 65, थिरुमालई नगर, पेरुगुडी, मद्रास-96 तथा मार्किटिंग डिविजन : टी-36/ए, 1-एवेन्यू, बसन्त नगर, मद्रास-90 नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/207/83-पी० एफ-II]

S.O. 3312.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Fours (India) Laboratories (Pvt) Ltd., IV/55, Facit Avenue, Madras-96 including its Adm. Office at 64&65, Thirumalai Nagar, Perungudi, Madras-96 & Marketing Division at T-36/A, I-Avenue, Basant Nagar, Madras-90, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (207)/83-PF.II]

का० आ० 3313.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स अधिनी मेटरनिटी होम, गोकक, जिला बैलगांस, कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952-का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/20-83-पी० एफ-II]

S.O. 3313.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ashwini Maternity Home, Gokak-591307, District Belgaum, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (208)/83-PF.II]

का० आ० 3314.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स अन्नपूर्णा रोलर फ्लोर मिल्स प्राइवेट लिमिटेड, पुना-बंगलोर रोड हुबली, कर्नाटक नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस- 35019(209)/83 - पी० एफ- II]

S.O. 3314.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Annapurna Roller Flour Mills (Private) Limited, C.S.T., No. 4/6, Poona-Bangalore Road, Hubli, Karnataka have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No.S-35019 (209)/83-PF.II]

का० आ०.—3315 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नेओ डीजल्स, 31/1, विद्यानगर, पी० बी० रोड, हुबली, कर्नाटक नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस- 35019/(210)/83 पी०-एफ० II]

S.O. 3315.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Neo Diesels, 31/1, Vidyanagar, P.B. Road, Hubli, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (210)/83-PF.II]

का० आ० 3316.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आदिचुन्चानागिरी विद्यावर्धक ट्रस्ट, न्यू टाउन, भद्रावती, कर्नाटक नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस- 35019/(211)/83-पी० एफ० II]

S.O. 3316.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Adichunchanagiri Vidyavardhaka Trust, New Town, Bhadravathi, Karnataka State, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (211)/83-PF.II]

का० आ० 3317.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स उदीपी वेंकटेश भवन, 161, मेन रोड, सत्तूर, तमिल नाडू राज्य नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि, कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस 35019/(212)/83-पी० एफ-II]

S.O. 3317.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Udiipi Venkatesh Bhavan, 161, Main Road, Sattur, Tamil Nadu State, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (212)/83-PF.II]

का० आ० 3318.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सम्राट इन्वैस्टमेंट प्राइवेट लिमिटेड, प्लॉट नं० 1, आई० डी० ए फेज-4 जी डी मेल्ला, कोयल्या नगर,

नरसापुर रोड, हैदराबाद-500054, आन्ध्र प्रदेश नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(213)/83-पी० एफ० II]

S.O. 3318.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Samrat Investments Private Limited, Plot No. 1, I.D.A. Phase-IV, Jeedimetla, Kaushalya Nagar, Narsapur Road, Hyderabad-500854, Andhra Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (213)/83-PF-II]

का० आ० 3319.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स अल्लाडी इन्डस्ट्रियल ऐड्स ए० बी० इलेक्ट्रॉनिक्स कम्प्लेक्स, कुशाईगुडा, हैदराबाद 500762 आन्ध्र प्रदेश नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(215)/83-पी० एफ० II]

S.O. 3319.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Alladi's Industrial Aids, A-B. Electronic Complex, Kushaiguda, Hyderabad-500762, Andhra Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019/(215)/83-PF-II]

का० आ० 3320.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री अरुणा आटो सर्विस प्राईवेट लिमिटेड, पोस्ट बाक्स नं० 95, रामदास स्ट्रीट, काकीनाडा-533001, आन्ध्र प्रदेश जिसमें उनकी (1) विशाखापटनम-20, (2) विजयवाडा, (3) गुन्तूर-1 और (4) विजयवाडा-7 स्थित शाखाएं भी

हैं नामक स्थापन से सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(216)/83-पी० एफ० II]

S.O. 3320.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Aruna Auto Service Private Limited, Post Box No. 95, Ramadas Street, Kakinada-533001, Andhra Pradesh including its branches at (1) Visakhapatnam-20, (2) Vijayawada, (3) Guntur-1, and (4) Vijayawada-7, have agreed that provisions of the employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(216)/83-PF-II]

का० आ० 3321.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स साबरी ब्रिक वर्क्स, व्हाइट फील्ड रोड, बंगलोर 560048 कर्नाटक राज्य नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(218)/83-पी० एफ० II]

S.O. 3321.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sabari Brick Works, Whitefield Road, Bangalore-560048, Karnataka State, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[S. 35019(218)/83-PF-II]

का० आ० 3322.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दि रूरल हाउस बिल्डिंग को-ऑपरेटिव सोसाइटी लिमिटेड, बंगलोर साउथ तालुक, कर्नाटक नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण

उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(219)/83-पी० एफ-II]

S.O. 3322.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Rural House Building Co-operative Society Limited, Krishnarajapuram, Bangalore, South Taluk, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(219)/83-PF-II]

का० आ० 3323.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बंगलोर मेटल कास्ट, महादेवपुरा, व्हाइट फील्ड रोड, बंगलोर-560048, कर्नाटक नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(220)/83-पी० एफ-II]

S.O. 3323.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bangalore Metal Cast, Mahadevapura, Whitefield Road, Bangalore-560048, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(220)/83-PF-II]

का० आ० 3324.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सस्ट्रोनिकस, सी-14 इन्डस्ट्रियल एस्टेट मौला-अली, हैदराबाद-500040, आन्ध्र प्रदेश नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(221)/83-पी० एफ-II]

S.O. 3324.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sustronics, C-14, Industrial Estate, Moula-Ali, Hyderabad-500040, Andhra Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019/(221)/83-PF-II]

का० आ० 3325.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मिनेएचर मोटर कम्पनी, बी-7, इलैक्ट्रॉनिक्स कम्प-लैक्स, कुशाईगुडा, हैदराबाद-500762, आन्ध्र प्रदेश नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध स्थापन को लागू किए जाने चाहिए ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(222)/83-पी० एफ-II]

S.O. 3325.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Miniature Motor Company, B-7, Electronic Complex, Kusaiguda, Hyderabad-500762, Andhra Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019/(222)/83-PF-II]

का० आ० 3326.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स महालिंगाशेट्टी एण्ड कम्पनी प्राइवेट लिमिटेड, 64, विश्वेश्वर नगर, हुबली-32 कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(223)/83-पी० एफ-II]

S.O. 3326.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mahalingashetty & Co., Pvt. Ltd., 64, Vishweshwar Nagar, Hubli-32, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(223)/83-PF-II]

का० आ० 3327.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स गणपति रिफाइनरीज, कोयम्बतूर रोड, वेल्लोकोइल-638111, तमिल नाडू नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिये,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है

[संख्या एस-35019(224)/83-पी० एफ०-II]

S.O. 3327.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ganapathy Refineries, Coimbatore Road, Vellakoil 638 111, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(224)/83-PF-II]

का० आ० 3328. केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दि नयागढ़ रीजनल को-ऑपरेटिव मार्केटिंग सोसाइटी लिमिटेड स्थान तथा डाकघर—नयागढ़, जिला पुरी, उड़ीसा नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिये,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019(225)/83-पी० एफ०-II]

S.O. 3328.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Nayagarh Regional, Co-operative Marketing Society Ltd., at P.O. Nayagarh, Distt. Puri, Orissa, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, (1952 (19 of 1952)), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(225)/83-PF-II]

का० आ० 3329.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स तेज मशीनटुल्स, एफ-2/ए-1, पोलो ग्राउंड, इन्दौर

एस्टेट, इन्दौर नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019(226)/83-पी० एफ०-II]

S.O. 3329.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Tej Machine Tools, F-2/AI, Polo Ground, Industrial Estate, Indore, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(226)/83-PF-II]

का० आ० 3330.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री करुणामबिका इन्जीनियरिंग वर्क्स (फाउन्ड्री), 22, अवनाशी लिंगम पलायम स्ट्रीट, अवनाशी-638654 तमिल नाडू, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019(228)/83-पी० एफ०-II]

S.O. 3330.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Karumambika Engineering Works (Foundry), 22, Avanashilingampalayam Street, Avanashi-638654, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(228)/83-PF-II]

का० आ० 3331.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स गर्जन्त इन्जीनियरिंग इन्डस्ट्रीज, 91-ए, एल्लई-थोट्टम रोड, पी० लामेडू, कोयम्बतूर-641004 तमिलनाडू नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी

भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[संख्या एस-35019(229)83-पी०एफ०-II]

S.O. 3331.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Gajendra Engineering Industries, 91-A, Ellaithottam Road, Peelamedu, Coimbatore-641004, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(229)/83-PF. II]

का० आ० 3332.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री सी० सिवाकामी टाइल्सम्बेसमुद्रम, तिरुनेलवेली जिला तमिलनाडू नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019(230)83-पी०एफ०-II]

S.O. 3332.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri. C. Sivakami Tiles Factory, Ambasamudram, Tirunelveli, District, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(230)/83-PF. II]

का० आ० 3333.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नारायणन एण्ड कम्पनी, 38, जी० एस० टी० रोड, मद्रास-600043 तमिलनाडू नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध

अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[संख्या एस 35019(231)/83-पी०एफ०-]

S.O. 3333.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Narayanan and Company, 38, G. S. T. Road, Madras-600043, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(231)/83-PF. II]

का० आ० 3334.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जैन एक्सपोर्ट प्राइवेट लिमिटेड, डी-20, कनाट प्लेस, नई दिल्ली 110001 (इंडिया) और 29 स्ट्रान्ड रोड, कलकत्ता में उसकी ब्रांच नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019(232)83 पी०एफ०-II]

S.O. 3334.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Jain Exports Pvt. Ltd. D-20, Connaught Place, New Delhi-110001 (India) including its branch at 29, Strand Road, Calcutta-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(232)/83-PF. II]

का० आ० 3335.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री वीर पुलीकेशी कोआपरेटिव बैंक लिमिटेड, बावामी 587201 जिला बीजापुर, कर्नाटक तथा इसकी शाखाएँ (1) केरूर, (2) बेरूर, (3) नन्दीकेश्वर तथा (4) कुलागेरी त्रास सहित नामक स्थापन से सम्बद्ध नियोजक और

कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019(256)/83-पी०एफ० II]

S.O. 3335.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shri Veer Pulikeshi Co-operative Bank Limited, Badami-587201, Bijapur District, Karnataka including its branches at (1) Kerur (2) Belur, (3) Nandikeshwar and (4) Kulageri Cross, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (256)/83-PF. II]

का० आ० 3336.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एडफेसिस जी० एफ०-6 हंस भवन विंग II 1, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019(257)/83-पी०एफ० II]

S.O. 3336.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Adfacs, GF-6, Hans Bhawan Wing II, 1, Bahadur Shah Zafar Marg, New Delhi-110002 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(257)/83-PF. II]

का० आ० 3337.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आबेवुल्लागंज कोऑपरेटिव मार्किटिंग एंड प्रोसेसिंग सोसाइटी लिमिटेड आबेवुल्लागंज, डिस्ट० रायसैन, मध्य प्रदेश नामक स्थापन से सम्बद्ध नियोजक और कर्म-

चारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019(258)/83-पी०एफ० II]

S.O. 3337.—Where it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Obaidullaganj Co-operative Marketing and Processing Society Limited, Obaidullaganj, District Rajen Madhya Pradesh have agreed that the provisions of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(258)/83-PF. II]

का० आ० 3338.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कोसर इन्जिनियर्स 53/ए, इन्डस्ट्रियल एरिया सावेंर रोड, इन्दौर नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019(259)/83-पी०एफ० II]

S.O. 3338.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Quasar Engineers, 53/A, Industrial Area, Sanwer Road, Indore-452003, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(259)/83-PF. II]

का० आ० 3339.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दि फिल्लोर जय किसान को-ऑपरेटिव मार्किटिंग कम-प्रोसेसिंग सोसाइटी लिमिटेड, फिल्लोर, जिला जालन्धर, पंजाब तथा इसकी शाखा अपरा, तहसील फिल्लोर, जिला जालन्धर, पंजाब सहित नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध

अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस० 35019/260/83-पी एफ 2]

S.O. 3339.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Phillaur Jai Kisan Co-operative Marketing-Cum-Processing Society Limited, Phillaur, District Jullundur, Punjab including its branch at Post Office Teh. Phillaur, District Jullundur, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(260)/83-PF. II]

का० आ० 3340—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 1 की उपधारा (4) के अनुसरण में यह निदेश देती है कि भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 1487 तारीख 10 अप्रैल 1982 का निम्नलिखित संशोधन किया जाएगा अर्थात् :—

उक्त अधिसूचना में "मैसर्स हिन्द पुस्तक भंडार गली केदार नाथ, चावड़ी बाजार दिल्ली" शब्दों के स्थान पर निम्नलिखित शब्द और अंक रखे जाएंगे :—

"हिंद पुस्तक भंडार, गली केदारनाथ, चावड़ी बाजार, दिल्ली जिसके अन्तर्गत 6686 खारी बावली, दिल्ली स्थित उसका कार्यालय और 4171, नई सड़क स्थित उसका शोरूम भी है।"

[सं० एस० 35019(330) 81-पी० एफ० 2]

ए० के० भट्टराई, अवर सचिव

S.O. 3340.—In pursuance of sub-section (4) of section 1 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.O. 1487 dated the 10th April, 1982 namely :—

In the said notification for the words and figures "Messrs Hind Pustak Bhandar, Gali Kedarnath, Chavri Bazar, Delhi", the following words and figures shall be substituted : "Hind Pustak Bhandar, Gali Kedarnath, Chavri Bazar, Delhi including its Head Office at 6686, Khari Baoli, Delhi and showroom at 4171, Nai Sarak, Delhi".

[No. S-35019(330)/81-PF.III]
A. K. BHATTARAI, Under Secy.

New Delhi, the 4th August, 1983

S.O. 3341.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the following award of the Central Government Industrial Tribunal, II, Bombay in the industrial dispute between the employers in relation to the management of Messrs Cargo Clearing International, Bombay and their workmen, which was received by the Central Government on the 25th July, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/18 of 1983

PARTIES :

Employers in relation to the management of Messrs Cargo Clearing International, Bombay.

AND

Their workmen.

APPEARANCES :

For the Employers—Shri S. D. Patil, Advocate.

For the workmen—Shri S. R. Wagh, Advocate.

INDUSTRY : Ports and Docks **STATE :** Maharashtra
Bombay, dated the 4th July, 1983

AWARD

By this order No. L-31012/1/83-D.IV(A) dated 30-3-1983 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act :—

"Whether the action of the management of Messrs Cargo Clearing International, Bombay in terminating the services of Shri Raghunath Maruti Dalvi, Dock Clerk w.e.f. 4-8-1982 without any notice, is justified? If not, to what relief the concerned workman is entitled to?"

2. The dispute as it stands related to termination of services of Shri Raghunath Maruti Dalvi and resultant benefits. However today the matter has been amicably settled and the parties are filing settlement pursis, whereby the dispute in the present reference does not survive. There is another dispute namely LCB-60 of 1983 pending between the same parties, but the present settlement is without prejudice to the contentions of the parties in the same and therefore the same shall not affect in any manner or the rights of the parties in any manner. Award is made in terms of settlement. No order as to cost

M. A. DESHPANDE, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II AT BOMBAY

Reference No. CGIT-2/18 of 1983

BETWEEN

M/s. Cargo Clearing International, Bombay

AND

Their workmen.

SETTLEMENT

1. The workman agrees to accept Rs. 500 in full and final settlement of all his claims in this Reference including reinstatement and/or re-employment with full back wages and continuity of service.

2. The amount of Rs. 500 has been paid today before this Honourable Tribunal to the workman (Shri R. M. Dalvi).

3. The dispute about money benefit claimed by Shri R. M. Dalvi (workman) in application No. L.C.B. No 60 of 1983 pending in Labour Court No. 1 is open and the dispute in this Reference only has been settled between the parties

without prejudice to the contentions of both the parties in respect of claim in Application No. LCB-60 of 1983.

4. In view of the receipt of Rs. 500 today, the workman states that he has now no claim against the employer Company about reinstatement and/or re-employment and/or back wages, and continuity of service.

5. It is therefore prayed that this Reference be disposed of as settled between the parties.

Bombay,

Dated the 4th July, 1983

Sd/- (S. R. Wagh),
For the Union
Sd/-
(R. M. Dalvi)
Sd/-
(S. D. Patil),
Advocate

For the Cargo Clearing International,
Bombay.

[No. L-31012/1/83-D.IV(A)]

S.O. 3342.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, II, Bombay in the industrial dispute between the employers in relation to Madhavrao Sawant, Owner of Launch 'ML' Nita and their workmen, which was received by the Central Government on the 26th July, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/15 of 1983

PARTIES :

Employers in relation Madhavrao Sawant, Owner of Launch 'ML NITA'

AND

Their Workmen

APPEARANCES :

For the employers.—Shri S. N. N. Karmali, Advocate.
For the Workmen.—Shri A. D. Costa, Advocate
2. Shri S. V. Rao, Goa Labour Union.

INDUSTRY :

Ports and Docks

STATE :

Goa, Daman and Diu

Bombay, the 1st July, 1983

AWARD

By their order No. L-36011/14/82/DIV(A) dated 28-2-1983 the Central Government referred the following dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Whether the action of Shri Madhavrao Sawant, Owner of Launch 'ML NITA' in stopping S/Shri Julu Dhulba, Kalidas Kaskar and Suresh Bhonsle, from work with effect from 6-4-1982 is justified? If not, to what relief the said workmen are entitled?"

2. Despite notices to the parties neither the Union nor the management filed statement of claim or written statement and the reason behind the same as stated by Shri S. V. Rao, who is representing the workmen is that the matter has been amicably settled between the parties whereby the workmen have accepted all the dues in full and total satisfaction of the claim and nothing remains payable. Shri S.N.N. Karmali endorsed that statement. Therefore since the matter is amicably settled though out of Court the reference cannot survive and hence disposed of.

Award accordingly. No order as to costs.

M. A. DESHPANDE, Presiding Officer.

[No. L-36011/14/82/D-IV(A)]

546 GI/87-14

S.O. 3343.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Calcutta Port Trust and their workmen, which was received by the Central Government on the 26th July, 1983.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

Reference No. 10 of 1982

PARTIES :

Employers in relation to the management of Calcutta Port Trust.

AND

Their Workmen.

APPEARANCES :

On behalf of Employers.—Mr. D. K. Mukherjee, Industrial Relations Officer.

On behalf of Workmen.—Mr. Ashok Bhattacharya, General Secretary of the Union.

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No. L-32012(11)81/D. IV(A) dated 26 March 1982 the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust in not allowing the higher scale of pay of Rs. 450-700 with effect from 1-1-1974 to Md. Jalal, Motor Driver, working under the Chief Hydraulic Engineer, is justified? If not, to what relief is the concerned workman entitled and from date?"

2. I think the answer should be in the negative. Admittedly according to the report dated 24 January 1977 of the Wage Revision Committee constituted by the CPT under order dated 11 December 1974 for Port and Dock workers at major ports, 20 percent of the total number of posts of drivers in a port were recommended to be adjusted in the proposed higher scale of Rs. 450-700 and that the selection of the driver was to be made on the basis of seniority-cum-merit. It is to be noticed that the said recommendations related to 20 percent of the total number of drivers in a port and not in any particular department or establishment. However it is not clear from the recommendations as to whether seniority-cum-merit was to be considered in an establishment or from amongst all drivers of the port. It appears that the Chief Hydraulic Engineer by his letter dated 8 December 1980 mentioning the names of all the 10 drivers of the different establishment under the CHE recommended that two posts of drivers may be adjusted in the higher scale of Rs. 450-700 stating that G. S. Banerjee of R. T. Wing had already been adjusted in the higher scale and the second man Md. Jalal also may be adjusted in the higher scale with effect from 1 January 1974. This letter (Ext. M-2) was sent to the administration. It seems, however, that later a clarification was sought for from him by the FA & CAO under letter dated December 1981 as to how the names of the two drivers of his department had been listed together with 8 other drivers of CE's department (R. T. Wing) for upgradation of another one post on 20 percent proposal when common seniority of HSD and R. T. Wing was not to be maintained (vide Ext. M-1). The CHE thereafter accepted the position that common seniority of Hydraulic Study department and R. T. Wing was not to be maintained as per view of the Administration.

3. Shri D. K. Mukherjee appearing for the management has vehemently contended that as per practice prevailing in the CPF the promotional post was filled up unitwise in all the offices under the Board and that the promotional

posts as mentioned in the said recommendations of the Wage Revision Committee were also required to be filled up unit wise in keeping with the existing practices obtaining in the offices of the Board. He submitted that the personnel directly under the Hydraulic Study department which was set up in the year 1962 for research on proper maintenance of navigable channel of the river Hooghly and its estuary was considered as separate unit for the purposes of promotion. He pointed out that in the department of CHE, there were only two posts of drivers which were created under resolution No. 1192 dated 26 August 1964. In continuation of this submission Shri D. K. Mukherjee said that the Hooghly and Bhagirathi Improvement Project was undertaken in 1968 and various temporary posts were created as per requirement in that project that 7 posts of drivers were created with effect from 1 July 1968 under resolution No. 1140 dated 30 July 1968; that one more post was created in 1976. The total number of drivers in R. T. Wing thus being 8 one of them was adjusted in the higher scale of Rs. 450-700. It is said that the R. T. Wing has retained its separate and distinct identity for the purposes of recruitment, promotion and other establishment matters. He drew my attention to para 6 of the written statement of the management and pointed out that the Head of Expenditure for the R. T. Wing was different, the nature of work was different and that the execution of the project was done only by the R. T. Wing and that posts were also created separately for the R. T. Wing. On the other hand Sri Ashok Bhattacharya argued that the river project was under the direct control of the Chief Hydraulic Engineer who is empowered to submit all proposals for any work relating to the project as also the staff proposals. He pointed out that there had been irregularity in adjusting Sri G. S. Banerjee in the higher scale. He also submitted that the drivers attached to the Hydraulic Study department and R. T. Wing worked in both the management as and when required; that the expenses incurred by the R. T. Wing for all consumption also came under CHE's account as per the forms submitted from the Controller of Stores, CPT.

4. In my opinion it is not necessary in this case to finally decide as to whether the CHE's department is distinct and separate from R. T. Wing establishment. For the purposes of this case I will assume that they are separate and distinct. I will also proceed on the assumption that the prevailing practice in CPT is to consider seniority unit-wise. But the difficulty arises due to ambiguity in the recommendations of the Wage Revision Committee. It does not speak of seniority-cum-merit to be considered unit-wise. It clearly says that 20 percent of the total number of the drivers in a post shall be placed in the higher scale. There is thus a reasonable doubt whether it was the intention of the revision committee to adjust only the senior most driver in the higher scale unit-wise at the rate of 20 percent of the total number of the drivers of a particular unit only. I think the benefit of doubt should go to the weaker section, namely, to Md. Jalal who is admittedly the seniormost driver amongst the ten mentioned in Ext M-2. I give him the benefit. I say no more.

5. For the foregoing reasons my award is that the action of the management of the CPT in not allowing the higher scale of pay of Rs. 450-700 with effect from 1 January 1974 to Md. Jalal motor driver working under the Chief Hydraulic Engineer is not justified. The concerned workman, namely, Md. Jalal is entitled to be placed in the said higher scale with effect from 1-1-1974. I accordingly direct the management of the CPT to place him in the said higher scale and to pay all his legal dues and service benefits as may be admissible to him as per rules of the CPT. This is the relief to which Md. Jalal is entitled.

Dated, Calcutta,

The 7th July 1983.

M. P. SINGH, Presiding Officer.

[No. I-32012/11/81/D. IV(A)]

S.O. 3344.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. II, Bombay in the industrial dispute between the employers in relation to the management of Oriental Fire General Insurance Co. Ltd., Bombay and their workmen, which was received by the Central Government on the 26th July, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/43 of 1982

PARTIES :

Employers in relation to the Management of Oriental Fire General Insurance Company Ltd., Bombay.

AND

Their Workmen.

APPEARANCES :

For the employers.—Shri G. M. Kothari, Advocate.

For the workmen.—Shri S. N. Karkera, Trade Union Official.

INDUSTRY :

General Insurance

STATE :

Maharashtra

Bombay, the 13th July, 1983

AWARD

(Dictated in the open Court)

By order No. L-17012/5/82-DIV(A) dated 8-10-1982 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Whether the action of the management of Oriental Fire and General Insurance Company Limited in relation to their Western Regional Office, Bombay, in terminating the services of Shri H. B. Botle, Liftman, with effect from 1-4-1981 is justified? If not, to what relief is the workmen concerned entitled?

2. The dispute as seen from the order of reference has arisen because of the termination of services of Shri H. B. Botle, Liftman with effect from 1-4-1981. The contention of the Union namely Oriental Fire and General Insurance Co. Ltd. Employees Association (Western Zone) who is espousing the cause of the workman concerned is that the workman Shri Botle was working with the Insurance Company as a Liftman during the period from 23-5-1978 to 1-4-1981. It is alleged that he was employed on a permanent vacancy of Liftman and that he had completed more than one year's continuous service. It is further contended that he was employed for years together on irregular basis without conferring the status of a permanent employee and that although the employers were expected to be a model employer, the workman was subjected to victimisation, exploitation and ill-treatment. Further it is alleged that having put in more than three years continuous service the termination, it is alleged was wrongful, improper, unjust and illegal and therefore the workman is entitled to reinstatement.

3. By the written statement the management has denied the relationship of employer-employee between the parties and it is alleged that Shri Botle was never employed on employment basis but he worked intermittently for some days as an independent contractor and he was paid daily basis. It is alleged that in 1978 he worked for 184 days in 1979 for 296 days, in 1980 for 158 days and in 1981 for 74 days. According to the company since he was not in regular employment the remuneration was paid not by way of salary but under vouchers and that the relationship of contractor and principal was terminated lawfully. It is further alleged that because there was no demand raised by the workman the reference itself is bad. The management further says that although no notice was necessary, the relationship was

terminated by 45 days notice and therefore since there existed no relationship of employer-employee, the employee could not have acquired the status of permanent employee particularly when there was no continuous service and that no relief can be claimed against the said termination.

4. Both the parties have filed rejoinders at Ex. 4/M and 5/W whereby the respective contentions in the written statement and claim statement have been reiterated.

5. On the strength of the pleadings the following issues arise for determination and my findings thereon are :—

ISSUES	FINDINGS
1. Whether Shri H.B. Botle, Liftman A regular employee ^s was a regular employee of the opponent Respondent or merely a contractor?	A regular employee ^s on daily wage basis.
2. If he was not an employee but a contractor is he entitled to any relief?	Does not arise.
3. Whether on account of over-age and want of requisite educational qualification, initial appointment of Shri Botle was vitiated and therefore void?	No
4. Whether because of these defects no relationship of employer employee was created?	It was created.
5. Whether the services of Shri Botle were legally terminated?	Yes
6. If not is he entitled to any relief?	Not in this reference.
7. Whether award?	As per award.

REASONS

6. The main question in this regard is whether Shri Botle was employed as a Liftman by the company or he was merely working as a contractor on daily compensation basis. Unless the relationship as contended is established, other issues would not arise for determination. The record speaks that on 18-5-1978 on having learnt that there was a vacancy of Liftman Shri Botle submitted an application, Ex. 7/W, in which application he has stated his correct running age as 29 years and "educational qualification as having passed the VIIth Standard examination. At the same time he also stated that he belongs to Bhandari Community which is declared by the Government of Maharashtra as Other Backward Class. It is the contention of the company that because of recruitment rules, since the date of birth was shown as 25th May, 1949 Shri Botle was over-age and because of sub-educational standard, he could not have been employed and as such it is alleged there cannot subsist any relationship of employer-employee. For this purpose the management has brought on record what are known as Recruitment Rules Ex. 20/M, wherefrom we came to know that in the case of peons the age should be below 26 years while educational standard should be passed Middle School level and should understand simple English and should also have knowledge of one of the Regional language. What is meant by Middle School Level is not clear and therefore cannot assume that it must be VIIIth Standard passed and not 7th standard. Similarly although the age limit is not more than 26 years, it does not mean that there cannot be

any relaxation, atleast it can never mean that the officer who knowing full well that he was 29 years of age, even if employed, such employment would be rendered invalid. If any officer in this regard committed irregularity and appointed an employee, the blame shall lie on the officer and not with the employee and therefore it would not mean that no relationship of employer-employee subsists.

7. It is true that there is no letter of appointment as such. It is also true that when the signature is obtained on disbursement voucher like Ex. 17/M collectively where the payment was stated by way of compensation for operating the Lift. Certainly this would be a factor which will have to be considered while determining the relationship, but in case there is any other convincing proof then merely because there was no appointment letter issued or that the payment was by way of compensation the contention of the workman cannot be rejected. Though there is no appointment letter even on management's showing during the years 1978 to 1st April, 1981, Shri Botle did operate the lift. The management has also contended in their written statement and it was also the contention before the Conciliation Officer that while terminating the relationship by way of contractor and principal it was terminated by giving 45 days notice. Having the relationship, been of principal and contractor, such a notice of 45 days was not expected at all. Furthermore the management, it seems deliberately, has not brought on record a copy of the notice, might be because it contained something adverse. Undoubtedly the workman has also not filed the original of the notice, though what was the stand of the company in the year 1981 would have been very well judged from the contents of the letter alleged to have been issued.

8. After submitting the application in the year 1978 by way of application dated 4-12-1979, Ex. 8/W the workman requested for confirmation and reiterated to be an employee which request was further stressed by a letter 25-4-1980, Ex. 9/W. It is curious to note that though in the representations he repeated the contention that he was in the employment of the company and attempted to get confirmation, the management never cared to reply to these applications nor drew the attention of the workmen that he was working as a contractor and not in the employment of the company. Had the contention of this company really been true we would have noticed such a re-action on the part of the management refuting the contention regarding the employment and the right to seek confirmation but nothing like this has occurred. At Ex. 11/W there is a letter issued by the management dated 8-7-1981 whereby the Manager informed that the Head Office has expressed its inability to regularise his services in the company and it was on the advice of the Head Office that the services as a Daily Wager was terminated. In this letter issued by the management there is an admission that he was in the service of the company as daily wager. This letter was issued by a responsible officer and although the witness examined by the company tried to belittle the force, that plea of the management can never be accepted.

9. Had Shri Botle been working merely as a contractor there was absolutely no reason for the management to issue in the first place the service certificate Ex. 13/W mentioning therein that Shri Botle was working on daily rate basis and they had arranged to pay him wages on weekly basis at the rate of Rs. 10 per day and it is also stated that his service was found to be in order as a Lift Operator and during the said period his conduct and behaviour were found good. The service certificate therefore read with the application initially made by the workman, his insisting upon the confirmation and the reference to as Daily Wager in the letter issued by the Manager lead to only one irresistible conclusion namely during the period Shri Botle worked with the company it was not as a contractor but as an employee on wages of Rs. 10 per day basis. Therefore the description of payment as compensation in the disbursement vouchers, the absence of regular appointment letter will pale into insignificance and what is being contended by the workman that he was in the service of the company must be accepted. The record speaks that in the year 1978 the regular Liftman had expired and there must have arisen the necessity of appointing a new incumbent and might be because the workman applied for the same he was asked to operate the Lift.

10. There is oral evidence of Shri Botle which is tried to be counted by the witness of the company Shri M. A. Mitta, who was serving as Deputy Manager, but on going through the statement of these two witnesses I am convinced that what Shri Mitta stated is not true and that what the workman says carries all the truth with it. Shri Mitta was serving under the Manager Shri Bhagat but even then tried to negative the certificate issued by the superior officer. I therefore hold that Shri Botle was not working as a contractor but was employed by the management to operate a Lift as a Liftman and even though at the time of the initial appointment, some irregularities seem to have been made, but those irregularities if any, are not to come in the path of the workman and to that extent the condition shall be deemed to have been relaxed. Atleast the facts, in the given circumstances, cannot destroy the relationship once created.

11. This however cannot bring to an end the matter which has been referred for adjudication because what is to be seen is whether the action of the management in terminating the services of Shri Botle with effect from 1-4-1981 is justified or not. For the said purpose we shall have to see as to what this termination amounts to and whether the same has been legally and validly brought about. Unless the termination is found to be defective either factually or in law, the creation of relationship in the past would not better the case of the workman.

12. Before turning to this issue we may dispose of one contention raised on behalf of the company namely that because there was no demand made, the reference is bad. In this regard in Ex. 14/W we find the demand made by the workman on 1-12-1981 and before that on 7-7-1981 the Union on behalf of the workman as seen from Ex. 10/W had raised a dispute. The workman, the record shows, is a member of this Union and in view of this demand the management's plea that in the absence of demand the reference is bad cannot survive.

13. As the definition of retrenchment stands under Section 2(o) of the Industrial Disputes Act retrenchment means the termination by the employer of the service of a workman for any reason whatsoever, barring the excepted cases which do not apply here. Therefore in view of the definition that the termination would mean a retrenchment, but for attracting provisions of Chapter V-A especially Section 25B and 25F of the Act, the workman must fulfil the requirements of continuous service for one year, otherwise except in case a proper reference is made, he cannot ask for such relief in the present reference. We have already seen that the reference as it stands pertains to the termination of the service of Shri Botle from 1-4-1981 and therefore for the relevant purpose both under Section 25B and 25F the said date of 1-4-1981 would be relevant date.

14. Under Section 25F of the I. D. Act no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched unless the conditions stipulated under Sub-section (a) to (c) are fulfilled. Under Section 25B of the Act we get the definition of the term 'continuous service', where it means that a workman shall be said to be in continuous service for a period if he happened to be in uninterrupted service, including the sickness etc. In case the workman is not in continuous service within the meaning of sub-section (1) of Section 25B, under sub-section (2) of section 25B of the Act he shall be deemed to be in continuous service for a period of one year if he during the period of 12 calendar months preceding the date with reference to which calculation is to be made has actually worked for not less than 240 days. What is therefore essential is whether Shri Botle worked with the Insurance Company for the period of 240 days during the period of 12 calendar months prior to 1-4-1981. If he can satisfy this condition, since the requirements of Section 25F (a) to (d) have not been fulfilled he would be entitled to the benefits otherwise not.

15. In Ex. 19/M details regarding the days on which Shri Botle worked with the Insurance Company have been furnished. They are upto July, 1980. During the period from 23-5-1978 to 30-12-1978 Shri Botle worked for 184 days, in the year 1979, for 296 days while from 31-12-1979 to 5-7-1980 he worked for 158 days. Now from this record it is evident that every week he was working for six days meaning thereby that he was not working on Sundays. If

he was a Daily Wager/being paid on daily basis at the rate of Rs. 10 per day; and if he was not working on Sundays, he can never come under purview of Sub-section (1) of Section 25B but his case would squarely fall under sub-section (2) of Section 25B and therefore he will be required to establish that he was working for 240 days within 12 months preceding 1-4-1981. It may be mentioned here when Ex. 19/M speaks of the period upto 5th July, 1980, in the year 1981 from the written statement submitted by the management the workman had worked for 74 days. During the 12 months preceding 1-4-1981 thereby would be period from 1-4-1981 to 1-4-1981, besides 74 days in the year 1981, as the records speaks Shri Botle in the earlier period of 1980 had worked for 82 days only, making a total of 156 days. When examined orally the witness Shri Botle had admitted the number of days as contended by the management. In para 3 of his cross-examination he says that in the year 1978 he worked for 184 days, in the year 1979 for 291 days and in the year 1980, 158 days and in the year 1981 he worked all days except Sundays from January beginning to March end. Details therefore furnished by the management regarding the number of days worked stand admitted.

16. Shri Botle was not in continuous service and therefore must refer to Sub-section (2) of Section 25B and if before 1-4-1981 for 12 months he had only put in 156 days, the only conclusion possible is that he cannot fall under the provisions of Section 25F of the Act which requires the fulfilment of certain conditions. It should be noted here as reference stands, the termination which is to be adjudicated upon and validity or otherwise shall be looked into is the termination dated 1-4-1981 and not the termination which seems had taken place at the end of 5-7-1980. Had the reference been regarding the termination earlier effected, because before that date Shri Botle had worked for 84 plus 158 days, certainly he would have been entitled to the relief. Even assuming that the employment was on weekly basis though the payment was made on daily basis and therefore Sundays are also to be included in the period of service, rendering the service to be continuous and therefore bringing the case of workman under Sub-section (1) of Section 25B but still there being a gap from 6-7-1980 to 1-1-1984, for considering uninterrupted service, the difficulty created by this interpretation would be unsurmountable. Therefore considering the case from any angle, from the angle that he was employed on daily basis and therefore Sundays are to be excluded or from the angle that he was engaged on weekly basis in the light of the issue referred for adjudication the workman cannot derive any advantage for the work put in by him in the past but the whole issue has to be centred on the relevant date namely 1-4-1981. When done accordingly, in the light of the finding noted above, the workman cannot be said to be in continuous service for one year prior to the relevant date.

17. Although the notice is not brought on record as pointed out earlier it is not disputed that before the services were dispensed with the workman was served with 45 days notice. It is not therefore a case of termination without any notice and as such though I have concluded that the workman was in the employment of the company and not merely serving as a contractor, still when Section 25F read with Section 25B of the Industrial Disputes Act cannot be attracted the termination simpliciter by notice of 45 days can never be said to be bad.

18. I need not enter into the controversy as to what are the rights of the retrenched workman and whether when that post continued and when the workman is working at the very place now but through another agency, he can claim any relief, for, there is no reference in this regard. The net result is that the termination of service, having not found to be illegal, no relief is permissible. Even on the ground of justification when there were certain lacuna at the time of initial appointment itself, if the management subsequently thought to bring about the severance the said action on the part of the management, especially when the workman was junior-most Liftman, cannot be said to be unjustified. It is just possible that some officers out of sympathy, employed Shri Botle without consulting the Head Office or proper authority and subsequently when the real facts came to be known, action seems to have been taken. The result is that the reference fails.

No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. L-17012/5/82-D.IV(A)]

New Delhi, the 10th August, 1983

S.O. 3345.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1 Bombay in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay and their workmen, which was received by the Central Government on the 2nd August, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-18 of 1981

PARTIES :—

Employers in relation to Bombay Port Trust, Bombay

AND

Their Workman

APPEARANCES :—

For the employers—Mr. M.N. Bhatkal, Advocate

For B.P.T. Employees' Union Bombay—Mr. G. R. Nandkarni, Advocate.

INDUSTRY : Ports and Docks **STATE :** Maharashtra

Bombay, the 30th day of June, 1983

AWARD

The Government of India, Ministry of Labour, by order No. S.O. L-31012/6/81-D.IV(A) dated 7th September, 1981, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred to this Tribunal for adjudication an industrial dispute between the employers in relation to the management of Bombay Port Trust, Bombay, and their workman in respect of the matters specified in the schedule mentioned below :—

SCHEDULE

"Whether the management of Bombay Port Trust are justified in compulsorily retiring Shri R. R. Elavia, Assistant Shed Superintendent, with effect from the 9th September, 1980? If not, to what relief is the concerned workman entitled? "

2. The workman, R.R. Elvia, Assistant Shed Superintendent in the Bombay Port Trust as a result of the departmental inquiry held against him has been compulsorily retired from the service by the management of Bombay Port Trust with effect from 9-9-1980. The charge framed against him was that he, while on duty as Flat Incharge, in the day shift during the period from 13-3-1972 to 15-3-1972 on the third floor of No. 1, Uncleared Warehouse, aided and abetted the commission of theft by one Arvind Pandurang Shirwadkar of M/s. V. N. Manjrekar, Clearing Agents, Bombay, of 595 pieces of meteor pistons from three out of six wooden cases which were warehoused, although it was one of his primary duties to protect the said pistons from pilferage and theft from the said warehouse. The said six wooden cases were landed at Indira Dock from a ship. Out of them, three cases were alleged to have been tampered with and 595 pistons removed by the said Arvind Pandurang Shirwadkar and four others who were all clerks in the Bombay Port Trust in the presence of the workman, Elavia. It was alleged that the workman had accompanied Dock Clerk, A. P. Shirwadkar to the shop of one Fakruddin Taheralli Baiwalla of Reliable Auto Centre, opp. J.J. Hospital, Bombay, for the disposal of the said 595 stolen pistons. The workman in the departmental inquiry held against him was charged with the misconduct of abetting, conniving at or attempting or committing of theft, fraud or dishonesty in connection with the Port Trust work and/or gross negligence in the discharge of his duties.

3. In the statement of claim it was contended that there was no charge of misconduct by negligence and no opportunity was given to the workman to meet the said charge by the Inquiry Officer. A preliminary point was, therefore, framed for decision whether the inquiry was not fair and proper. In my decision on the preliminary point I negatived the contention raised on behalf of the workman that there was no charge of misconduct by negligence. I observed in my decision on the preliminary point that it was not shown on behalf of the Union that the inquiry was not fair and proper. The reference was, therefore, posted for hearing on merits.

4. The Inquiry Officer absolved observed the workman by giving him "benefit of doubt" from the charge of abetting, conniving at or committing theft. He, however, held him guilty of misconduct of negligence. The Docks Manager, Bombay Port Trust, accepted the findings of the Inquiry Officer and punished the workman by reducing his basic pay by three stages in the time scale for a period of two years. The other four persons who were also charge-sheeted in the said departmental inquiry alongwith the workman were acquitted. It was submitted on behalf of the Union that there was no evidence to make out a charge of negligence on the part of the workman.

5. The workman preferred an appeal against the order of the Docks Manager to the Chairman, Bombay Port Trust. The Chairman disagreed with the finding of the Inquiry Officer. He relied upon the confessional statement said to have been made by the workman to the Police Inspector in the investigation of the complaint filed against him in respect of this very incident. The Chairman observed that this workman had made the confessional statement voluntarily and that the said confessional statement was proved by evidence of the police Inspector, Shri Kadam of Yellowgate Police Station before the Inquiry Officer. The Chairman was, therefore, of the view that the charge of misconduct of abetting, conniving at the commission of theft or dishonesty in connection with the Port Trust work was proved against the workman beyond doubt, in the inquiry held against him in addition to the misconduct of negligence of which he was found guilty by the Inquiry Officer. The Chairman, therefore, set aside the finding of the Inquiry Officer acquitting the workman of the misconduct of abetting, conniving at the commission of theft or dishonesty in connection with Port Trust work and set aside the punishment of reduction in the basic pay imposed by the Docks Manager. The Chairman issued a notice to the workman to show-cause why he should not be dismissed from the Port Trust service. This decision of the Chairman was conveyed to the workman by the Docks Manager by his letter dated 20th September, 1977 (exhibit W-8). The workman gave a reply to this notice by his letter dated 26th September, 1977 (exhibit W-9). The Docks Manager by his letter dated 8th September, 1980 (exhibit W-15) informed the workman that after taking into consideration all the points raised by the workman in his said letter, dated 26th September, 1977, the Chairman had come to the conclusion that the contentions raised by the workman were untenable. The Chairman, therefore, held that both the charges viz., charge No. 1 of misconduct of abetting or conniving at theft, etc., and charge No. 2 of the misconduct of negligence were proved. The workman was informed that the Chairman, therefore, had ordered that the workman be compulsorily retired from Bombay Port Trust service with immediate effect as provided in the Regulation 8(vii) of the B.P.T. Employees (Classification, Control and Appeal) Regulations, 1976. The workman was, therefore, compulsorily retired from Bombay Port Trust service with immediate effect.

6. The Union submitted that the employers' act of compulsory retirement was unjust, illegal and in violation of rules of natural justice. It was submitted that the order compulsorily retiring the workman that was served on him was not signed by the Chairman. That order was passed about three years after his reply to the show-cause notice. The Union, therefore, prayed that the employers be directed to reinstate the workman in service with full back wages and continuity of service till he reached the age of superannuation.

7. The management in its written statement denied the various contentions raised on behalf of the Union. It was asserted that the charge-sheet issued to the workman contained the charges of "gross negligence of duty". The workman, however, was given the benefit of doubt by the

Inquiry Officer in respect of the charge of aiding and abetting the theft. It was stated that the other four charge-sheeted workmen were not found guilty of the charges framed against them. This workman was additionally charged for misconduct of gross negligence and the Inquiry Officer found him guilty of that charge. It was further stated that the order of the Chairman dated 26th June, 1980 ordering the compulsory retirement of the workman was served on him through the letter of the Docks Manager dated 8th September, 1980. A copy of the original order of the Chairman was given to the workman. It was pleaded that the order of compulsory retirement passed against the workman was valid in law and there had been effective communication of the same to the workman. It was denied that it was an act of victimisation or unfair labour practice. It was contended for the workman that the order of compulsory retirement was made during the pendency of the industrial dispute before the Commissioner of Labour. In reply to this allegation it was pointed out by the management that the workman had addressed a letter to the Regional Labour Commissioner on 2nd August, 1980 and it was for the payment of dues to him; that the grievance of the workman in the said letter ceased when he was paid certain amount on 18th August, 1980. The order of the Chairman retiring him compulsorily was passed on 26th June, 1980. The employees letter to the Labour Commissioner was dated 2nd August, 1980. It was denied that the order of compulsory retirement was made during the pendency of any industrial dispute. It was pointed out that initially the Chairman had proposed the punishment of dismissal; that the dismissal is the highest punishment for which an opportunity to show-cause was already given to the workman and that, therefore, there was no necessity for another show-cause notice for compulsory retirement as pointed out by the workman. The employers stated that their's is a large organisation and the delay in passing the final order was due to administrative reasons. It was pleaded that the delay has not caused any loss to the workman as the same has only worked to his advantage. It was alleged in the written statement on behalf of the employers that the workman had voluntarily made a full confessional statement of his guilty before the Police Inspector, Kadam, on 28th March, 1972. That confessional statement had led to the recovery of the stolen goods. That confessional statement was duly proved in evidence in the domestic inquiry held against the workman. It was pointed out that the Chairman found the workman guilty of the charge of aiding or abetting theft on the basis of the said confessional statement. The Chairman, therefore, in exercise of the powers conferred on him under Regulation 8(vii) of the B.P.T. Employees (Classification Control and Appeal) Regulations, 1976, enhanced the penalty imposed by the Docks Manager to that of compulsory retirement. For all these reasons the employers submitted that the order of compulsory retirement passed against the workman was proper, just, legal and valid. The workman was therefore, not entitled to the relief of being reinstated with back wages.

8. The points that arise for my consideration in this reference are : (i)(a) whether the finding of the Chairman Bombay Port Trust, holding that the charges of misconduct of abetting, conniving at the act of commission of theft or dishonesty in connection with Port Trust work is proper and valid, (b) whether the order of the Chairman compulsorily retiring the workman, Elavia is justified, (ii)(a) whether the finding recorded by the Inquiry Officer and accepted by the Deputy Docks Manager that the workman is guilty of the misconduct of negligence is proper and valid, (b) whether the punishment ordered by the Deputy Docks Manager, Bombay Port Trust, reducing the pay of the workman by three stages in the time scale of pay of Rs. 190-10-300-EB-15-375-20-414 for a period of two years with prejudice to his future increments is justified, (iii) if the answer to the above points is in favour of the workman, what relief is the concerned workman entitled.

9. The charge against the workman is that while on duty as Flat Incharge in the day shift during the period from 13th March, 1972 to 15th March, 1972 on the third floor of No. 1, Uncleared Warehouse, he aided and abetted the commission of theft by Arvind Pandurang Shirwadkar, of 595 pieces of meteor pistons, from the wooden cases warehoused on the said floor, although it was one of his primary duties to protect the said pistons from pilferage and theft from the said floor of the said warehouse. It is alleged in

the charge that the workman has committed the misconduct of abetting, conniving at or attempting or committing of theft, fraud or dishonesty in connection with the Port Trust work and also committing the misconduct of gross negligence in the discharge of his duties. The Inquiry Officer found that there was no evidence to hold that the workman was involved in the charge of theft or abetting the same. However, the Inquiry Officer observed :—

“But it is beyond any reasonable doubt that the survey was held in his floor and it totally remained unnoticed by him. It is an instance of clear negligence.”

The Inquiry Officer, therefore, found the workman guilty of the misconduct of negligence. He gave him “benefit of doubt” from the charge of abetting of or committing theft. The evidence of Arvind Shirwadkar and N. H. Prabhakar shows that when a survey was taken of the consignment of six cases containing motor vehicle parts on 15th March, 1972 shortage was found in three cases. The shortage was to the extent of 595 pieces of pistons collectively valued at Rs. 15,000. Shirwadkar was then working as a clerk with the Clearing Agents, M/s. V. N. Manjrekar & Co. He filed a complaint with the police on 20th March, 1972. As a result of the investigation made by the police he was made an accused in the criminal case registered by the Yellowgate Police Station. The present workman also was one of the accused in that case. He was, however, discharged by the learned Presidency Magistrate on the ground that there was no material to connect him with the offence of theft. That there was theft of pistons from the consignment concerned has been amply established by the material that has come in the inquiry proceedings. As is pointed out above, the Inquiry Officer came to the conclusion that there was no clear and pointed evidence to connect this workman with the offence of abetting or aiding theft. He, however, held him guilty of the misconduct of negligence.

10. It appears that in the course of investigation into the complaint filed by Shirwadkar, Police Inspector Tambe of Yellowgate Police Station recorded the confessional statement of the workman. In his evidence he stated that statement was given by the workman on 29-3-1972, voluntarily. The workman filed an appeal to the Chairman, Bombay Port Trust, on 12-7-1976 against the order of the Deputy Docks Manager punishing him for negligence by reducing his pay by three stages. In that appeal the Chairman, Bombay Port Trust, relied upon the said confessional statement said to have been made by the workman. He observed that that statement was made by the workman voluntarily. On the basis of that statement he held that the charges of misconduct of abetting, conniving at or commission of theft or dishonesty in connection with the Port Trust work was proved beyond doubt. He ultimately punished the workman by passing an order of compulsory retirement against the workman.

11. The question is whether this finding and subsequent order of punishment are justified. Police Inspector Tambe stated that the workman had made the confessional statement on 22-3-1972. In that statement alleged to have been made by this workman, he has fully admitted his complicity in the act of committing theft of the 595 pieces of pistons from the three cases. If it is held that that statement was made by the workman he will be found guilty of the misconduct of complicity in the theft beyond any doubt. Mr. Nadkarni, the learned counsel for the Union, however, strenuously submitted that the workman had denied in his correspondence with the Deputy Docks Manager that he had made a confessional statement. Mr. Nadkarni further submitted that the confessional statement said to have been made before the Police Inspector is not admissible in evidence. Mr. Bhatkal, the learned counsel for the Bombay Port Trust, however, submitted that such a confessional statement made by the workman before the Police Inspector can be admitted in evidence in the proceedings of domestic inquiry or before the Industrial Tribunal. According to him, such statements are inadmissible in evidence at any inquiry or trial in respect of an offence under investigation at the time when such statements are made. This is so in view of provisions in section 162 of the Code of Criminal Procedure. Mr. Bhatkal contended that the provisions of that Section have no application to a departmental inquiry and that the confession can be tendered in evidence in such inquiry. In support of his submission Mr. Bhatkal relied upon the decision of the Industrial Court, Bombay,

in appeal (IC) No. 3 of 1981 of 1956, reported in Industrial Court reporter 1957 at page 381. Relying upon that decision Mr. Bhatkal submitted that if the Tribunal is satisfied that the statement was voluntarily made by the delinquent it can be acted upon, in the departmental inquiry held against the delinquent. It may be mentioned that the Inquiry Officer had not relied upon this confessional statement. Some questions were put to Police Inspector Tambe challenging his version before the Inquiry Officer that the workman had made the confessional statement. From the perusal of the deposition of Police Inspector Tambe it cannot be said that there is effective challenge to the assertion of Police Inspector Tambe that the delinquent made a confessional statement before him. However, I think that in the absence of some other corroborative evidence to prove the complicity of the workman in the act of abetting the theft, it would not be proper and safe to act upon the confessional statement said to have been made by the workman before the Police Inspector. The Chairman, Bombay Port Trust, observed in his order that it was this confessional statement which led to the recovery of goods (stolen goods) from M/s. Reliable Auto Centre, near J.J. Hospital. However, no material is brought on the record of the inquiry proceedings to show that this confessional statement led to the recovery or discovery of stolen goods. In the absence of sufficient corroborative evidence I am of the view that the alleged confessional statement should not be used against the workman. If that confessional statement is left out of consideration there is no any other material to prove that this workman abetted or committed the act of theft of the property in question.

12. The next question is whether there is sufficient material to hold that the workman was guilty of the misconduct of gross negligence in the discharge of his duties. It is the case of the department that it was one of the primary duties of this workman to protect the pistons from pilferage and theft from the floor of the warehouse which was in his charge. Now, the complaint filed by Shirwadkar with the police on 20-3-1972 which is on record shows that all the cases were in intact condition till 10-3-1972. When Shirwadkar visited the warehouse on 14-3-1972, he says that he found that three cases were in doubtful condition. He, therefore, applied for survey with the Steamer Agents and Insurance Company and on 15-3-1972 595 pieces of pistons were found missing. Shirwadkar was a docks clerk with the Clearing Agents, M/s. V. N. Manjekar. It may be recalled that in the course of the investigation by the police, Shirwadkar along with the present workman and some other Port Trust employees were suspected to be the miscreants. Now, the survey of the goods was taken not with the permission of the Deputy Manager, Bombay Port Trust. There is on record a circular issued by the Docks Manager on 15-2-1974 laying down the procedure in respect of survey taken with the permission of the Deputy Manager. Besides, department's witness N. A. Ranade, who is the Bombay Port Trust employee, has stated in his deposition that when the consignee desires to hold survey he has to obtain permission from the Deputy Manager concerned. If such a permission is obtained, the Shed Superintendent has to attend the survey and make notice about the shortages, if any. If any shortage is noted, he has to immediately lodge a police complaint. Now, the survey taken by Shirwadkar in the instant case was a survey without permission from the Deputy Manager. Ranade who is the Shed Superintendent stated in his deposition that if any importer attempts to hold a survey without permission from the Deputy Manager that may result in the charge of attempt of theft and the person taking survey will be handed over to the police. Another witness examined for the department was J. S. Khair, who was the Shed Superintendent in charge of U/C Goods warehouse from which the pistons were removed. At the time of this incident the present workman was Flat Incharge of this warehouse. Khair has stated about the duties of the Flat Incharge in reply to question No. 5. He has stated :—

stored in the special room or stored in the barracated area created in front of his table and if no room is available to keep such packages close to his table, to supervise the labour working on his floor, to see that the clerks working under him are properly maintaining the entries in the ledger, to see that the consignees or any labourers that are coming to clear the cargoes or for removal of the goods for the Customs examination are taking the proper packages for examination by the Customs or taking proper deliveries, examined packages are kept close to the Asstt. Shed Supdt.'s table, to get the broken packages repaired with the help of the carpenters attached to the Warehouse to take frequent rounds for supervision purpose, to keep any loose contents found anywhere in a separate packet or bag and make it available to the consignee when he identifies it with proof. At the time of closing to see that the doors are properly closed and hand over the keys to the Shed Supdt."

Khair has further stated that when a representative of the Clearing Agents approaches the Flat Incharge and requests him to allow a survey of the packages by Insurance Companies, the Flat Incharge should ask whether he has got permission from the Deputy Manager, Docks, for opening the packages. If the permission which should be in writing is not produced then he should not allow such survey. He has further stated that the Flat Incharge is supposed to attend all surveys especially insurance company surveys. Khair was emphatic that the Flat Incharge should not have allowed to touch the cases unless the consignee or his representative brought letter from the Deputy Manager concerned. Khair further stated that when a representative of the Clearing Agents has reason to believe that the packages are tampered with, he is supposed to lodge a complaint to the Shed Superintendent or Flat Incharge. He added that no such complaint was lodged by the representative of M/s. Manjekar and Co. Now, the defence examined one Mahimkar who is also working as a Shed Superintendent. He stated that one of the duties of the Shed Superintendent or the Asstt. Shed Superintendent is to allow survey in the docks. He added that when there is no specific order from the Deputy Docks Manager to attend the survey the Shed Superintendent does not attend the survey although he allows the party to hold survey of the cargo. Mahimkar stated in the cross-examination that in case party makes a survey without the knowledge of the Shed Superintendent and then informs him that some shortage is found it is the duty of the Shed Superintendent to hand over the parties to the police and lodge a complaint to the police. Another witness examined for the defence was one S. G. Redix who is also the Shed Superintendent of Bombay Port Trust. He stated that the Shed Superintendent is required to attend the survey work when it is ordered by the Deputy Docks Manager. If after such a survey shortage is found then the Shed Superintendent mentions the shortage at column No. 11 of the survey register. He further stated that in case the party approaches the Shed Superintendent for any survey without having any permission from the Deputy Docks Manager the Shed Superintendent generally allows the party to hold the survey, though the Shed Superintendent may not himself attend the survey. It appears that if the survey is taken by the consignee without the permission of the Deputy Manager, the Bombay Port Trust is not responsible for the shortage, if any, and therefore the Shed Superintendent in such a case does not attend the survey, nor makes entries of the shortages, if any, in the survey register. But, this does not mean that any consignee can walk in the warehouse and have an access to any packages. The evidence on record including the evidence of Redix shows that even if the permission of the Deputy Docks Manager for survey is not taken, the permission of the Shed Superintendent or the officers incharge of the warehouse has to be taken before dealing with the packages. It is obvious that if there is shortage in the packages or in the goods stored in the warehouse, if not the Bombay Port Trust, some other person or authority will suffer the loss. It may be the consignee or the Insurance Company. As stated by the department's witness Khair, the duty of the Flat Incharge is to receive the packages and to stock them with the help of gang and to see that nobody lays hands on the cargo lying on the flat. He has also to take frequent rounds for supervision purpose. At the time of closing the warehouse he has to see that the doors are properly closed and hand over the keys to the Shed Superintendent.

"To receive the packages hoisted up on his floor and stock them with the help of gang. Make room in the gang for the other vessel, to see that nobody lays hands on the cargo lying over the flat. To pass the documents of the cargo that is lying on his floor. To see that the important packages like small cargo cartons, valuable cartons

13. It appears from the material placed on record in the inquiry proceedings that the workman Elavia was on training duties for 15 days and he resumed his duties as Flat Incharge on 13-3-1972. The shortage in the goods was detected on 14th. It is not the case of the workman that when he resumed the charge, the wooden cases from which the pistons were removed were already found broken. The complaint of Shirwadkar filed with the police would show that the packages were intact on 10-3-1972 and he found three cases were in doubtful condition on 14-3-1972. 395 pistons were removed and they were valued at Rs. 1500. It is true that there is no material except the confessional statement of the workman to show that he was directly concerned with the theft. However, the material on record would show that he was grossly negligent in his duty of protecting the said piston from pilferage and theft as has been stated in the charge-sheet. It may be that he was not bound to attend the survey carried on by the Insurance surveyor, Prabhakar. It is also true that survey was taken without the orders in writing from Deputy Docks Manager. That, however, does not mean that the consignee or his representative could approach the packages without the permission of the Flat Incharge. A large number of pistons were removed from the three wooden cases. If not with the connivance, it is reasonable to presume that this was due to gross negligence of the workman, Elavia. I, therefore, find that the finding recorded by the Inquiry Officer that the workman was guilty of misconduct of negligence is correct. Allowing the removal of a large number of pistons of very substantial value can certainly be said to be an act of gross negligence. I do not agree with the finding recorded by the Chairman, Bombay Port Trust, that the workman is guilty of the misconduct of commission of theft or abetting the theft. Obviously, he passed that finding relying on the confessional statement said to have been made by the workman. Having arrived at this finding, the Chairman issued a notice to the workman as to why he should not be dismissed from service. Ultimately however, the Chairman passed an order on 26th June, 1980 ordering that the workman be compulsorily retired from the Bombay Port Trust service with immediate effect. This order was communicated to him by the Docks Manager on 8th September, 1980, and the workman stood compulsorily retired with effect from 9th September, 1980.

14. Obviously, the Chairman, Bombay Port Trust inflicted the major penalty of compulsory retirement as he held that the workman, Elavia, was guilty of commission of theft or abetting the theft. I held that the penalty of compulsorily retiring the workman is not justified. I have held that the workman is guilty of the misconduct of gross negligence. The Docks Manager who had agreed with the finding recorded by the Inquiry Officer holding the workman guilty of the misconduct of negligence, passed an order punishing the workman whereby the pay of Rs. 415 per month of the workman was reduced by three stages in the time scale of Rs. 190-10-300-EB-15-375-20-415. I think that would be sufficient punishment for the workman.

15. I am told that the workman has already reached the age of superannuation on 23-12-1982. The order of reinstatement in service cannot, therefore, be made. He will, therefore, have to be treated as having continued in service up to 23-12-1982 i.e. the date of superannuation. He was compulsorily retired from 9-9-1980. The question will be about the back wages up to the date of superannuation. The conduct of the workman is not free from blemish. He is found to be guilty of the misconduct of gross negligence. I, therefore, think that it would not be proper to direct the department to pay him full back wages. The ends of justice, in my view, would meet if the department is ordered to pay only one-fourth of the back wages.

16. In the result, I hold that the workman Elavia is guilty of the misconduct of gross negligence in his duty of protecting the goods in his charge. I do not find him guilty of the charge of commission of theft or abetting theft. The order of compulsorily retiring him from service with effect from 9-9-1980 is therefore, not justified. The punishment passed against him by the Docks Manager viz., reducing his pay of Rs. 415 on the date of the order of the Docks Manager by three stages in the time scale of Rs. 190-10-300-EB-15-375-20-415 for a period of two years with prejudice to his future increments would be the proper penalty to be

inflicted against the workman. The date of superannuation of the workman is 23-12-1982. He should, therefore, be deemed to have continued in service upto that date and one-fourth of the back wages should be paid to him, from the date of his compulsory retirement.

17. My award accordingly. No order as to costs.

M. D. KAMBLI, Presiding Officer
[No. L-31012/6/81-D.IV(A)]

S.O. 3346.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. II, Bombay in the industrial dispute between Shri Gabriel D'Souza, Owner of Launch 'Mon John' and their workmen, which was received by the Central Government on the 23rd July, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/7 of 1983

PARTIES :

Employers in relation to Shri Gabriel D'Souza, Owner of Launch 'Mon John'.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri S.N.N. Karmali, Advocate.

For the Workmen—(1) Shri D'Costa, Advocate,
(2) Shri S. V. Rao, Goa Labour Union.

STATE : Goa, Daman and Diu. INDUSTRY : Ports and Docks.

Bombay, the 1st July, 1983

AWARD

By their order No. L-36011(12)/82-D.IV(A) dated 17-2-1983 the Central Government referred the following dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947:—

"Whether the action of Shri Gabriel D'Souza, Owner of Launch 'Mon John' in terminating the services of S/Shri Mana Parab, Devidas Sarang and Manohar Naik with effect from 6-4-1982 is justified? If not, to what relief are the concerned workmen entitled?"

2. Despite notices to the parties neither the Union nor the management filed statement of claim or written statement and the reason behind the same as stated by Shri S. V. Rao, who is representing the workmen is that the matter has been amicably settled between the parties whereby the workmen concerned have accepted all the dues in full and total satisfaction of their claim and nothing remains payable. Shri Rao therefore requested that the reference be treated as disposed of. Therefore since the matter is amicably settled though out of Court the reference cannot survive and hence disposed of.

Award accordingly. No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. L-36011/12/82-D.IV(A)]

New Delhi, the 11th August, 1983

S.O. 3347.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the management of Bombay Port Trust, Bombay and their workmen, which was received by the Central Government on the 3rd August, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL No. 2, BOMBAY.

Reference No. CGIT-2/48 of 1982

PARTIES :

Employers in relation to the Management of Bombay
Port Trust, Bombay.

AND

Their Workmen.

APPEARANCES :

For the Employer.—No appearance.

For the workmen.—Shri P. V. Datar, Secretary, B. P. T.
General Workers' Union Shri S. R. Wagh, Advocate
for Transport and Dock Workers' Union.INDUSTRY : Ports and Docks
STATE : MAHARASHTRA

Bombay, the 20th July, 1983

AWARD

By the present reference under Section 10(2) of the Industrial Disputes Act, 1947 the following dispute has been referred for adjudication under Order No. L-31025/5/82-D.IV(A) dated 30-11-1982 :—

"Whether the posting of a Station Master Grade II at Cotton Depot Station of the B.P.T. Railway will be detrimental in any way to the interest or working of the Goods Clerks, who is at present in-charge of that Station."

2. The dispute, it seems, has arisen because of posting of a Station Master Grade II at Cotton Depot Station of the Bombay Port Trust Railway which posting it seems, was subsequently cancelled and the incumbent was transferred to some other station. This action on the part of the management was resented by the Bombay Port Trust General Workers' Union who raised the dispute and the resultant reference.

3. The contention of the B.P.T. General Workers' Union as seen from their claim statement, in brief, is, that from the duties and responsibilities of the employees serving as Station Master and Goods Clerk respectively, when the Station Masters Grade I and Grade II, it is alleged, have to deal with all operational and commercial matters, the Goods Clerk deal with only commercial matter and as the Station Master Grade II has to pass the examination of Assistant Station Master which is not the case with the Goods Clerk, the operational side is handled by the Station Master alone and not anybody else. It is alleged that when there was a Station known as Penton Bandar, the authorities compelled the Goods Clerk to look after the Cotton Depot Station and subsequently to Penton Bandar was dis-mantled, the Union represented to the authorities about the necessity of Station Master in charge of the Cotton Depot Station. It is alleged that there is not a single station anywhere in India where Goods Clerk is placed in charge of a Railway Station. The Union further says that after prolonged negotiations in this regard ultimately the Port Trust authorities acknowledged the present importance of the Cotton Depot Station agreed to post a Station Master Grade II at the said station and accordingly transfers were to take place. The B.P.T. General Workers' Union further states that posting of a Station Master at Cotton Depot Station would never have added to any financial burden on the employers as no new post was being created and only transfers were to take

place and that since the working of the Goods Clerk and Station Master are completely different such transfer was not to be detrimental to the interest of any incumbent. The Union further says that posting of various categories of employees at various place of work being purely managerial function, no employee or anybody on his behalf can raise any dispute particularly when it was not to effect the chances of promotion or seniority or chances of betterment of his services condition or his monthly emoluments. It is also stated that since the Goods Clerk is not in a position to prove in any manner how the legal interest is to be effected, there cannot be any opposition to the orders of transfer passed by the Port Trust authorities.

4. Very nature of dispute and the past history would indicate, more or less this is not a dispute between the management and one or other Union but a dispute between two rival unions representing respectively two adverse interests. When the B.P.T. General Workers' Union is espousing the case of the Station Master Grade II, on behalf of the Goods Clerk the Transport and Dock Workers' Union has come forward insisting upon the maintenance of status-quo ante. By the written statement separately filed what the Transport and Dock Workers' Union says is that the present dispute has arisen because the Board of the Trustees of the Port of Bombay proposed a post of Station Master Grade II at Cotton Depot, when in fact it is Goods Clerk who is in charge of the said Station. It is alleged that from the year 1952 the working pattern of the B.P.T. Railway was recognised and since then the Goods Clerk is placed overall in-charge of the Cotton Depot and not only he supervises the commercial work but also operative side and that this is a peculiar arrangement applicable to Cotton Depot Railway Station when at other depots either Station Master Grade I or Station Master Grade II is in charge of the Station. It is alleged that from 1-1-1980 the Manganes Depot of the Bombay Port Trust was closed and the Station Master Grade II who was working there became surplus who at present is posted at Wadala Depot of the B.P.T. Railways. The Transport and Dock Workers' Union further contends that in case Station Master Grade II is posted at Cotton Depot in pursuance of the proposed, he that is the Station Master Grade II would become overall incharge and the Goods Clerk, who is overall incharge at present would be produced to subordinate position and will not be more than a clerk. It is further stated that for the Goods Clerk there is no further promotional charges, he having only satisfaction of having the post of Cotton Depot as Incharge. The Union therefore is opposing the move to post the Station Master Grade II at Cotton Depot.

5. In reply to the statement of claim filed by the two Unions the Port Trust have also filed two separate written statements. After narrating the duties and responsibilities of the Goods Clerk and the Station Master, the Employers say that at the Cotton Depot, operative staff are available upto the level of Asstt. Station Master, Grade II, who carry out operative work under the overall supervision of the Goods Clerk. It is further stated that the proposed transfer of the Station Master was purely an administrative decision taken by the Railway Manager in January, 1980 and subsequently a Station Master was posted at Cotton Depot, who was again re-transferred to Wadala Depot in the process of re-adjustment of the staff rendered surplus. Regarding the changes and abolition of Penton Bandar it is stated that said Bandar was merged with a Manganes Depot and which in its turn was merged with the grain Depot in the month of January, 1980. The authorities deny that the traffic in Cotton Depot is increased considerably as stated by the BPT General Workers' Union. They however admit that the Goods Clerk, in case Station Master Grade II is posted at Cotton Depot, would lose his supervisory capacity although his wages and designation would remain unchanged.

6. While replying the contention of the Transport and Dock Workers' Union the plea of the management seems to be that Goods Clerk has further avenue of promotion in the shape of Commercial Inspector. However, it is also conceded on behalf of the management that they shall abide by the orders of the Court since the posting of either Goods Clerk

or the Station Master Grade II is not going to affect one way or other.

7. On the strength of these pleadings the following issues arise for determination and my findings are :—

ISSUES	FINDINGS
1. Whether the demand by the B.P.T. General Worker's Union that Cotton Depot Station should be headed and manned by a Station Master Grade II instead of Goods Clerk at present in charge thereof is valid?	It is purely a managerial function,
2. Whether this demand can be opposed by the Transport and Dock Worker's Union?	No.
3. Whether the continuance of Goods Clerk would be detrimental in the interest of working of the Station.	To be considered by the management
4. Has not the management a right to decide who should be incharge of the Cotton Depot Station?	Yes.
5. If yes whether the order of posting the Station Master Grade II can be challenged or opposed by the Transport and Dock Workers' Union?	No.
6. If there is no subsisting order of posting of Station Master, whether the Union can compel the authorities of the Port Trust to make such posting.	No.
7. Will it not be in exercise of the management function?	Squarely within the management function.
8. What Award?	As per award.

REASONS

8. Although as the order of reference stands what is asked to be adjudicated is whether the posting of the Station Master Grade II would be detrimental in any way to the interest or working of the Goods Clerk who is at present in-charge of the Cotton Depot Station, thereby it shall mean whether such an order will be detrimental in any way to the legal interest or working of the Goods Clerk. Any transfer is bound to affect one way or other. Similarly if by virtue of any posting the person overall-In-Charge is to work under any other authority placed above him, this is bound to affect his interest. However merely because the person is placed over-all Incharge or that the new arrangement is to affect him, cannot be a ground for answering the dispute raised, but it would have to be seen whether the rights of such incumbent in the present case the Goods Clerk, are in any way illegally affected. If certain rights are vested in him, if the new arrangement is creating any change in the condition of service etc., that too brought about without following the requisite procedure, then alone the objection would be sustainable but not otherwise.

9. That the Cotton Depot Station is at present in the overall Incharge of a Goods Clerk stands admitted. At the same time he has not passed the Station Master's examination is also a fact not disputed. A Station Master, is incharge of the Operative as well as commercial side by virtue of his expertise knowledge and except the Goods Clerk placed at Cotton Depot Station he is Incharge of Commercial side is a fact not disputed. I have got before me a copy of statement of duties and responsibilities submitted by the Bombay Port Trust authorities before Jeejeebhai Committee, which admittedly reveals the correct picture regarding the working. At

page 83 of the said statement against item S. No. 39 we get a reference to Goods Clerk where column 3 deals with occupation and there is a reference to Commercial and in column No. 8 it is stated that the Goods Clerk both Indoor and Outdoor shall be directly responsible for commercial working at the stations under the General supervision of the station master. Sub-para 2 (ii) says that he should have the knowledge of all commercial branches and it is by promotion from Assistant Goods Clerk, Grade I on the basis of seniority-cum-suitability. At the same time the very column namely column 3 also makes an exception at Cotton Depot and Panton Bunder where he is in-charge of the station assisted by the Junior Operative Staff.

10. At S. No. 44 of the same statement we get a reference to Station Master Grade II where the occupation is stated to be Operational and qualification "passed Assistant Station Master's examination and experience of all branches of Railway working." This is also a promotional post by promotion or transfer from Assistant Station Master's Grade I & II on the basis of seniority-cum-suitability. One fact on comparison of these items is evident namely that Station Master Grade II by virtue of having passed the requisite examination possesses the expertise knowledge of operational side and it is not the case with the Goods Clerk though on account of certain exigencies he is placed over-all charge of the Cotton Depot. Even the Establishment manual which is brought on record lends support to this conclusion, for, while prescribing the duties of the Station Master it is stated that he is in over-all charge of the station and must supervise all work done by both the commercial and the operating staff at the station that too under the general supervision of the Station Master. At page 30 of the same book an exemption has been made in the case of Cotton Depot where the Goods Clerk is overall charge of the Station and has to supervise both operative and commercial work and Class III and Class IV Operative Staff.

11. It is no party's contention that posting of Station Master Grade II at Cotton Depot would in any manner affect the pay packet of the Goods Clerk who is at present over-all in-Charge of the said Station. It is also nowhere stated that under any agreement, settlement or award a right has been created in favour of the Goods Clerk to be posted at Cotton Depot Station. After all whether the Cotton Depot Station should be placed under a Station Master Grade-II or Goods Clerk or any other incumbent having superior knowledge, is a question which is squarely within the competency of the management coming within their management function and unless the party opposing any such move is in a position to establish, as already stated, any change in the condition of service proposed to be effected, the opposition to such move would be futile. The matter as it stands neither falls under Schedule III nor under Schedule IV much less under Section 9A of the Industrial Disputes Act, and as such the contention that if the Station Master Grade II is posted at Cotton Depot Station the Goods Clerk will have to vacate the post of over-all in-charge, cannot carry any legal conviction. Really speaking it is not necessary at all to enter into the question whether the traffic load is increased or decreased, whether the move to post Station Master is justifiable or not, for once the said action is found to be managerial function, the discretion in this regard must solely rest with the management. Similarly, merely because in the past it was thought that posting of Goods Clerk would serve the purpose would not lead to any inference that the management, who once decided in a particular manner can be inhibited from making any new arrangement. They shall have unfettered discretion in this regard particularly when no legal rights of any union or incumbent are likely to be effected. In the year 1951 as seen from the extract from the proceedings of a meeting of the P & G Committee held on 21-8-1951, it was thought the volume of traffic dealt with at this depot daily did not justify the provision of a high paid Goods Foreman and therefore suggested that the post be replaced by a Goods Clerk in the grade of Rs. 155-215. It means that initially the depot was placed under a superior officer but subsequently might be because of the fall of traffic etc. the arrangement

was found uneconomical and hence changed. It is not therefore a case of exception that the Cotton Depot Station was placed in charge of the Goods Clerk thereby creating semblance of a right in favour of such Goods Clerk. The situation, it is common knowledge, varies might be because of increase in the volume of traffic or abolition of other depot and whatever may be reason, if the Port Trust authorities concluded that the Cotton Depot Station from a particular time onwards should be placed under a Station Master Grade II, that decision of the authorities coming within the purview of managerial function cannot be opposed by an incumbent who is likely to lose the post of over-all incharge.

12. The grade of Goods Clerks is, I am told, Rs. 600—1135 which is the same grade of Assistant Station Master while the Station Master Grade II is placed in the grade of Rs. 675—1187. Now over-all incharge or not Goods Clerk is not going to be affected financially. It was urged by Shri Wagh on behalf of the Transport and Dock Workers' Union that there is no promotional avenues for the Goods Clerk but this contention of the Union is refuted by the management. In their written statement they have categorically stated that the post of Commercial Inspector is an avenue of promotion for the Goods Clerk. It is not known whether the present incumbent is senior-most or not, or whether he is on the verge of retirement or otherwise. But these shall not be the considerations at all, because it is found that his legal rights are not to be affected, there cannot be any ground for grievance. Furthermore, his avenue for promotion also would not depend upon whether he is posted at Cotton Depot Station or some other place but depended on the merits to be considered by the management. Looking into these factors the only answer to the issue referred to would be that such a posting will not be detrimental in any way to the interest or working of the Goods Clerk. Once we arrive at this conclusion and once it is found that it is purely a managerial function, no direction one way or other can be issued especially in the light of the order of reference as it stands. All these considerations will have to be left to the discretion of the management who after taking into consideration the interest of the working, both commercial and operative, is at liberty to arrive at its own decision.

No order as to costs.

M. A. DESHPANDE, Presiding Officer

[No. L-31025(5)/82-D. IV (A)]

R. K. GUPTA, Desk Officer

New Delhi, the 5th August, 1983

S.O. 3348.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of East Katras Colliery of Messrs Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 2nd August, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 28 of 1981

PARTIES :

Employers in relation to the management of East Katras Colliery of Messrs Bharat Coking Coal Ltd., Post Office Katrasgarh, District Dhanbad.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri S. Bose, Secretary Reshtriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated, the 27th July, 1983

AWARD

The present reference arises out of Order No. L-20012(179)/80-D.III.A, dated the 27th May, 1981 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether the action of the management of East Katras Colliery of Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad in stopping Sarvashri Dinesh Kumar Singh, Seonath Rai, Radhey Shyam Tewari, Sri Ram Tewari and Salim Mia working as Attendance Clerks, Trammers and Loader, respectively, from duty from different dates in 1972 is justified? If not, to what relief are the concerned workmen entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement dated 27-7-1983 has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

MANORANJAN PRASAD, Presiding Officer.

[No. L-20012(179)/80-D. III (A)]

A. V. S. SARMA, Desk Officer

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Reference No. 28 of 1981

Employers in relation to the management of East Katras Colliery.

AND

Their workmen

The humble petition on behalf of the parties above named most respectfully sweath :

1. That without prejudice to the contentions of the parties contained in their respective written statements the parties have amicably settled the dispute on the following terms :—

Terms of Settlement

1. That the union is satisfied that the names of the three concerned workmen namely S/Shri Radhey Shyam Tiwari, Shri Tewari, Loader and Selim Mia, Surface Trammer appears in the old statutory registers of 1972 whereas the names of other two concerned workmen namely S/Shri Dinesh Kumar Singh and Seo Nath Rai do not appear in any statutory Register of 1972.

2. That the management agrees to re-employ the three concerned workmen namely S/Shri Radhey Shyam Tiwari, Sri Ram Tewari and Salim Mia, as Badli Miners/Loaders within a week's time from the date of reporting for their duties.

3. That the aforesaid three concerned workmen should produce two copies of their photographs duly attested by the Mukhia and the B.D.O. under whose jurisdiction the villages of the concerned workmen are situated for proper identification. The union also certify that they are the concerned workmen in the present reference.

4. That the union agrees not to press for the employment of S/Shri D. K. Singh & Seo Nath Rai due to want of proof.

5. That the union agrees not to claim for back wages or any other benefit for any of the concerned workmen.

6. That in view of the settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

FOR THE WORKMEN

(Pratap Rai)
Branch Secretary, RCMS
East Katras Branch
(Radhe Shyam Tewari)
Ex-Trammer
L.T.I.

(Sri Ram Tiwary)
Ex-Loader
L.T.I.

(Salim Mia)
Ex-Surface Trammer.
Dated 27-7-83.

FOR THE EMPLOYERS

(Sarvajet Singh)
Personnel Manager
Katras Area
(S. K. Singh)
Sr. Personnel Officer(IR)
27-7-83.

Part of the Award
Illegal.....

New Delhi, the 5th August, 1983

S.O. 3349.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of the Bhojudih Coal Washery, P.O. Santaldih, Distt. Purulia and their workmen, which was received by the Central Government on the 2nd August, 1983.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : CALCUTTA

Reference No. 80 of 1980

PARTIES :

Employers in relation to the management of the Bhojudih Coal Washery.

AND

Their Workmen

PRESENT :

Mr. Justice M. P. Singh—Presiding Officer.

APPEARANCES :

On behalf of Employers—Mr. T. P. Choudhury, Advocate

On behalf of Workmen—Mr. S. R. Ghosh, Advocate.

STATE : West Bengal.

INDUSTRY : Coal

AWARD

By Order No. L-19012(29)/79-D.IV(B) dated 4th October, 1980 the following dispute was referred to this Tribunal for adjudication by the Government of India, Ministry of Labour :

"Whether the action of the management of the Bhojudih Coal Washery, Post Office Santaldih, District Purulia in dismissing Shri M. S. Deogharia, Truck Driver, from service with effect from 2-8-1978 was justified? If not, to what relief is the concerned workman entitled?"

2. The answer to the issue, I think, very decidedly, must be in the negative. Deogharia is involved in two incidents—

one is Asansol incident and the other is Purulia incident. Regarding Asansol incident the allegations against him are these : On 29-10-76 M. S. Deogharia, T/driver was sent with truck No. WGW-650 to M/s. Indian Oxygen Limited, Asansol for collection of Gas Cylinders. Instead of bringing Gas Cylinders M. S. Deogharia, T/driver and Suresh Mishra the cleaner-cum-helper returned to the site without the truck on the night of 29-10-76 and reported to the Asstt. Stores Officer that the truck went out of order and as such the same had been left in the compound of M/s. Indian Oxygen Limited Asansol. On 30-10-76 the Asstt. Foreman (W/Shop) accompanied by Deogharia and others went to Asansol to see the condition of the vehicle. On checking the vehicle by the Asstt. Foreman (W/S) it was found that diesel oil was mixed with mobil oil. Engine was found jammed and 4 or 5 teeth of the fly wheel were twisted and some edges sheared. The truck was brought to site by towing. On 2-11-76 when the Asstt. foreman (W/S) was attending to the truck to find out the fault during absence for few minutes, Deogharia opened the self-starter instead of the engine chamber. On the return of Ram Singh, A.F. (W/S)(MW-1) with tools Deogharia (WW-2) told him that one self-starter nut was found in between the self-starter and the fly wheel pinion which was causing jam. After taking out the nut, the vehicle was found in moving condition. Deogharia, the driver did not take necessary care to maintain the vehicle properly nor he made any sincere effort to find out the fault which led to detention of the vehicle for 4 days without collection of gas cylinders. It is said that his action was motivated to cause delay in collection of gas cylinders and thus he committed acts of misconduct under section 5(i) and 5(xiv) of the Discipline and Appeal Rules. On these allegations he was charged with having committed the following acts of misconduct :

"(a) Negligence or neglect of duty, malingering and slowing down of work 5(i).

(b) Sabotage or wilful damage to, or loss of Company's goods or property 5(xiv)."

The charge-sheet is Ext. M-2 dated 17 December 1976. Deogharia denied the allegation by filing his reply (Ext. M-3) dated 31st December, 1976.

3. Before I proceed to discuss the evidence I would like to state the principle which should be followed in deciding a case of misconduct of negligence. In Management of Presidency Talkies by Proprietor, Paragon Talkies v. N. S. Natrajan AIR 1969 Madras 121 DB it was observed that misconduct is a specific word with a specific connotation and that it cannot be mere inefficiency or slackness, that all the several species of misconduct as enumerated in certain standing orders amount to positive acts of wilful disobedience or positive acts of malfeasance, injury to property, insubordination etc. This view was followed by a Division Bench case of Orissa High Court reported in 1975(1) LLJ 79 (Raghunath Sumantha Singhar v. General Manager, Orissa Road Transport Co. Ltd.) in which it was observed that mere negligence can not bring about the removal from service it must be deliberate negligence. Keeping this principle in mind I will now proceed to discuss the evidence on record.

4. The evidence adduced on behalf of the management is that on 30 October 1976 when the concerned Officer G. S. Sarkar (MW2) accompanied with Ram Singh (MW-1), the assistant foreman (Workshop) and along with Deogharia (WW 2) and the cleaner Suresh Misra went to Asansol, they saw the truck rubbed for 25' to 30'. The truck was under break down. On the next day the truck was brought to the washery by towing. They on checking the vehicle found that diesel oil was mixed with mobil oil, the engine was jammed and 4 or 5 teeth of the fly wheel were smashed and some edges of the fly wheel were sheared, broken or twisted. The bracket fixing the self starter was in broken condition. Further evidence is that on 2 November 1976 when Ram Singh (MW-1) was attending to the truck to find out the fault, during his temporary absence Deogharia opened the self-starter instead of the engine chamber. On return with tools, MW-1 was told that one self starter nut was found in between the self starter and fly wheel pinion which was causing jam. After the nut was taken out, the vehicle started moving.

5. Sri T. P. Choudhury argued that it was a clear case where WW-2 Deogharia the driver did not take necessary

care to maintain the vehicle properly nor he made any effort to find out the fault which led to the detention of the vehicle for four days and that it was also a case of deliberate sabotage of the vehicle. I do not agree. There is no evidence of any positive act done by Deogharia which can be termed as misconduct. There is no evidence of any act done by him to injure any part of the vehicle. Ram Singh (MW-2) has no doubt deposed that the jamming of the fly wheel was due to the negligence of maintenance and that it was the responsibility of the driver to take care of the fly wheel but that is no evidence of any positive act done by the driver. In his evidence before this tribunal Ram Singh (MW-2) said that he did not remember whether it was a case of deliberate attempt on the part of the driver to declare the vehicle out of order at Asansol on the night of 29th but at the domestic enquiry he said that it was not a case of deliberate attempt on the part of the driver. Ram Singh (MW-1) deposed here that Deogharia had opened the self starter on his own but from the enquiry report and enquiry proceedings which have been exhibited by the management itself it appears that the own witnesses of the management had deposed at the domestic enquiry before the Enquiry Officer that Ram Singh had asked the driver to open the self starter. The management did not examine those witnesses here. At the domestic enquiry a question was put to Ram Singh as to whether he suspected any mischievous attempt on the part of the driver or any tampering with the engine machine in his absence when the driver had opened the self starter instead of the engine chamber. His answer was 'No.' It is thus clear that Ram Singh (MW-1) has attempted to go behind his former statement given before the Enquiry Officer. So far as the damage found in the truck is concerned, that has not been proved due to any positive act of the driver. The truck had been purchased in 1962 or 1963 as deposed to by MW-2 G. S. Sarkar and had been overhauled many times. It had also been repaired many times. So if some damage was found in this case after checking, it is not surprising, MW-2 has said in his cross-examination that Ram Singh did not say in his report that the truck had been deliberately made out of order. MW-2 G. S. Sarkar says in his deposition that on the basis of the report of Ram Singh (MW-2) he felt that the truck was made out of order deliberately but I have already shown that Ram Singh did not say either in his report or in his evidence that the vehicle was made out of order by the driver deliberately. Sri G. S. Sarkar (MW 2) has deposed that he got report from Ram Singh that the truck could be started without any repair work but it is a matter of common experience that sometimes a vehicle starts when a minor defect is detected and is removed by the driver. In my opinion the evidence of MW-1 and MW-2 does not establish the charge of misconduct of negligence or malingering or slowing down or work or of sabotage. The charge therefore fails and the point is thus decided in favour of the driver and against the management.

6. Sri T. P. Choudhury appearing for the Coal Washery management submitted that during his service period the following misconducts were noticed against Deogharia and action was taken and hence he was rightly dismissed.

- (a) By letter dated 26-3-63 Deogharia was warned for loss of tools.
- (b) By letter dated 23-10-65 he was again warned for absenting himself from duty without leave or permission from 26-9-64 and 28-9-64.
- (c) Shri Deogharia was also warned for absenting from duty on 6-11-64 and 7-11-64 by letter dated 22-11-64.
- (d) He was again found absent from duty on 11-11-64 and even then he was merely warned.
- (e) His annual increment was stopped with effect from 1-7-67 for one year on the letter dated 24-1-67.
- (f) Shri Deogharia was warned for allowing the cleaner to drive the truck on 31-5-67 under letter dated 12-6-67.
- (g) Under letter dated 27-7-67 cost of 14 ltrs of Petrol was recovered equally from Shri Deogharia and the cleaner, which had been pilfered and Shri Deogharia was also warned.

- (h) On 8-2-68 Shri Deogharia was severely warned for indecent behaviour and disobedience with superiors on the occasion of the New Year 1968.
- (i) By order dated 30-7-68 his increment was stopped for one year for unauthorised use of company's truck and allowing outsider to drive the truck.
- (j) Shri Deogharia was placed under suspension pending enquiry with effect from 8-10-74 to 10-10-74 as he brought back truck from Patlaardih Washery to Bhojudih Coal Washery without collecting medicine. Chargesheet was also issued to him and he was brought to a lower stage of Rs. 450 from Rs. 460 in the scale of Rs. 390-15-570 by order dated 2-3-76.
- (k) By order dated 28-8-76 he was censured for neglect of duty and malingering and slowing down work on 29-6-76.

In my opinion these actions taken by the management earlier cannot be made a ground for dismissal. Guilt or misconduct has to be found on evidence in support of the charge brought against Deogharia in this particular case.

7. Another point pressed by Shri T. P. Choudhury for my consideration is that even when the action on the two chargesheets in the present case was being taken, Deogharia committed another serious misconduct, when due to his recklessness the truck he was driving was intercepted by Police officer and seized for not carrying the requisite permit for which no information was given to the management and the truck was released only on payment of Rs. 500 as fine. Suffice to say this misconduct also cannot be made a ground for sustaining his dismissal.

From the above it is obvious that Deogharia cannot be held guilty of the charge so far as Asansol incident is concerned. I will now deal with Purulia incident.

8. The relevant chargesheet regarding Purulia incident is Ext. M-8 dated 18/23 December, 1976. The allegations are these : M. S. Deogharia, the T/driver was sent with truck No. WGW 650 to Purulia for collection of stores materials and cooperative stores materials. While returning to site he allowed L. M. Mukherjee (WW 1) an outsider to load and bring 5 bags of Rice in the truck from Purulia to Santaldih. Further Deogharia got down at New Colony itself and allowed Suresh Mishra, Cleaner to bring the vehicle to site at about 11.00 P.M. on 15-12-76. Deogharia took the truck on 16-12-76 to the shop of L. M. Mukherjee and allowed him to unload 2 bags of rice from the truck. Thus Deogharia committed acts of misconduct under section 5(i) of the Discipline and Appeal Rules. On these allegations he was charged with having committed the following acts of misconduct :

"(i) negligence or neglect of duty 5(i)".

Deogharia (WW 2) denied his guilt by filing his reply (Ext. 249) dated 22 July, 1977. According to him he had gone to Purulia for collection of stores materials and cooperative stores materials along with Mr. Prasad and Mr. Karan, Co-operative salesman and L. M. Mukherjee (a shop owner at Bhojudih market) also was on the same truck, that he had not given any permission to L. M. Mukherjee to bring 5 bags of rice in the truck. He however admitted in his reply that rice was on the truck saying that on a number of occasions staff and officer's and their relatives travelling by this truck and they used to bring their commodities. He also admitted that the cleaner Misra had driven the truck from the new colony to the site. He also admitted that on 16th morning he had brought the truck to the shop of L. M. Mukherjee from the accounts office as he felt thirsty for tea. L. M. Mukherjee (WW1) did not dispute these facts but he added that he had gone to Purulia and brought rice on the said truck No. WGW 650 under the permission of Mr. Prasad and Mr. Karan who also were on the same truck. In his cross-examination he said that he had a tea stall. He admitted that he had not obtained permission to travel by the truck from any officer of the washery. It may

be mentioned that WW 2 Deogharia has falsely said in his cross-examination that L. M. Mukherjee did not accompany him to Purulia. He has however correctly said that the father of L. M. Mukherjee was an employee of the coal washery. But he has falsely deposed that the salesman permitted L. M. Mukherjee to go by the truck. He did not mention this fact in his reply (Ext. M9). Mr. Alaknesh Pd. (MW 3) the then Salesman in the coal washery in the co-operative stores department has not supported him. He has rather said in his cross-examination that he had objected to Mukherjee's stay in the truck. Though this evidence of MW 3 is not impressive, it seems to me that he concerned workman has not been able to show that he had any requisite authority of the coal washery to allow L. M. Mukherjee to travel by the truck and to bring rice from Purulia. He was also not right in permitting the cleaner Suresh Misra to drive the truck from the new colony to the cooperative stores. He is thus guilty of the charge of misconduct of neglect of duty regarding the Purulia incident. But the dismissal cannot be upheld on this ground. The Purulia incident is of minor character. The two salesman Mr. A. D. Prasad and Mr. Karan were admittedly on the truck and they went to Purulia to bring co-operative stores materials. The father of L. M. Mukherjee (WW 1) is admittedly an employee of the Coal Washery. The truck belonged to the coal washery. Mr. Prasad and Mr. Karan, therefore, may not have raised any objection to the stay of L. M. Mukherjee in the truck. None of them reported the matter to the management. So far as the driving of the truck from the colony to the cooperative stores by the cleaner is concerned, that was for a very short distance. It seems that the Cleaner Misra had a driving licence. He was a cleaner of the same truck. Deogharia says that he had headache. In the circumstances the acts of Deogharia in permitting L. M. Mukherjee to bring the rice or his permitting Suresh Misra to drive the truck from the new colony to cooperative stores cannot be taken very seriously. They are minor matters and even if the concerned workman viz. Deogharia technically is guilty of the charge of misconduct he cannot be punished heavily. Hence the dismissal has to be set aside and he is entitled to be reinstated. But in view of his bad past records as mentioned in paras 6 and 7 of this award coupled with the guilt for Purulia incident he should not be given full back wages. Justice will be met if only half wages are allowed to him and penalty of censure is imposed upon him.

9. For the foregoing reasons my concluded award is that the action of the management of the Bhojudih Coal Washery P.O. Santaldih, District Purulia, in dismissing Sri M. S. Deogharia the truck driver from service with effect from 2 August, 1978 is unjustified. The dismissal is accordingly set aside and the concerned workman, namely M. S. Deogharia is ordered to be reinstated with half back wages. A penalty of censure also is imposed upon him. The half back wages shall be for the period commencing from the date of dismissal unto the date of reinstatement and thereafter he will be entitled to his full wage onward per month as usual.

Dated, Calcutta,

The 16th July, 1983

M. P. SINGH, Presiding Officer
[No. L-19012(29)/79-D.IV(B)]

New Delhi, the 6th August, 1983

S.O. 3350.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Hazaribagh Area of Central Coalfields Limited, and their workmen, which was received by the Central Government on the 27th July, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) DHANBAD.

REFERENCE No. 60 OF 1981, AND

REFERENCE No. 64 OF 1981.

In the matter of an industrial dispute under S. 10 (1) (d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of General Manager (H) Hazaribagh Area of Central Coalfields Ltd., at P.O. Charhi, Dist. Hazaribagh and their workmen, in Ref. No. 60 of 1981.

AND

Employers in relation to the management of Hazaribagh Area of Central Coalfields Limited and their workmen in Ref. No. 64 of 1981.

APPEARANCES :

On behalf of the employers : Shri T.P. Choudhury, Advocate & Shri R.S. Murthy, Advocate.

On behalf of the workmen : Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 19th July, 1983

A W A R D

The Central Government by its notification No. L. 24012 (13)/81-D. IV(B) dated 1-9-1981 in Reference No. 60 of 1981 has referred the following dispute to this Tribunal for adjudication on the following terms :

THE SCHEDULE

"Whether the action of the management of Kedla Underground Project of Central Coalfields Ltd., Distt. Hazaribagh in stopping S/Shri Rameshwar Saw, Sadagar Saw and Garib Chandra Saw, all piece rated workers from 4-2-81 is justified? If not, to what relief the workmen are entitled ?

Similarly, by notification No. L-24012(9)/81-D.IV(B) dated 25th September, 1981, the Central Government in Reference No. 64 of 1981 has referred the following dispute to this Tribunal for adjudication on the following terms

THE SCHEDULE

"Whether the action of the management of Hazaribagh Area of Central Coalfields Ltd. in stopping S/Shri (1) Budhan Jaiswara, piece-rated workman of Jharkhand colliery and (2) Kenahi Nahako (3) Bhagwan Muni (4) Kaloo Behra (5) Kartik Behra, piece-rated workers of Kedla South colliery from work is justified ?

If not, to what relief are the workmen concerned entitled ?

2. Both these references were raised by the Secretary, Hazaribagh Area of United Coal Workers Union. The workmen in both the cases were stopped from work w.e.f. 4-2-1981 on the ground that they were impersonators. The workmen had denied that they are impersonators. According to them they used to be piece-rated workers of the colliery and after take over of the colliery by the Government of India, they were appointed afresh after due screening of their claim for appointment and since then they have been working in the colliery. Their names were entered in Form B and other registers and they are members of Coal Mines Provident Fund. According to them they were stopped from work without any charge-sheet and domestic enquiry and their removal from service in a summary manner amounted to retrenchment without following the procedure for retrenchment as provided in the Industrial Disputes Act, 1947. The action of the management in stopping them from work is said to be unjustified. There was no settlement of the claim during conciliation and therefore these References were made for adjudication.

3. In both the cases the parties filed their written statements. The plea of the workmen in both the cases is the same. The management also filed written statements taking the same plea. With the consent of parties both the cases

were heard together, I therefore propose to pass a single award covering both the cases.

4. The management's plea is that since the dispute was raised by the Branch Secretary of United Coal Workers Union, a reference based on such a dispute could not be said to be valid and on this score alone the two references should be rejected. The management in their written statements have given a background of this dispute. The collieries involved in this dispute were part and parcel of Kedia Jharkhand Group of Collieries located in Hazaribagh District and belonged to the Raja of Ramgarh. The Raja of Ramgarh granted a lease of the entire property to a company known by the name of Bokaro Rahgarh Limited. The State Government under Bihar Land Reforms Act annulled a lease created by the Raja of Ramgarh resulting in a suit in the Court of Subordinate Judge, Hazaribagh. The Subordinate Judge appointed a Receiver in the suit and the State of Bihar itself was made a Receiver. The State Government deputed a senior I.A.S. officer to administer the properties on behalf of the court. From that time always the property had been divided into small blocks and given to different Raising-cum-Selling Contractors. These contractors virtually became owners of the mine and a small amount of royalty was given to the Receiver for the coal raised and sold. All these mines were quarries and seasonal mines. They used to be closed down during the monsoon and work only during dry weather, i.e. between November and May. The Coal Board by notification declared Kedia-Jharkhand Group of Collieries as Coking Coal Mines w.e.f. 19-12-72, although the Coking Coal Mines (Nationalisation) Act came into force from 1-5-72. The management of these coal mines was then entrusted by the Central Government to the National Coal Development Corporation Ltd., which was later re-named as General Coalfields Ltd. The raising contractors who were under the Receiver moved the Subordinate Judge, Hazaribagh against the take over of the colliery by National Coal Development Corporation Ltd. and an order was issued by the said Court against the take over. Subsequently, the Patna High Court upheld the decision of the Subordinate Judge, Hazaribagh. The matter was taken to the Supreme Court where the Supreme Court ordered the National Coal Development Corporation/Central Government to take over the management of the mines and run the same. The litigation is still, however, pending in the Supreme Court. National Coal Development Corporation Ltd./Central Coalfields Ltd. has been directed by the Supreme Court to keep a separate account for these mines.

5. At the time of take over of this colliery the question of employment of persons arose and the management discussed the matter with the representatives of the two unions operating in this coalfields; viz. Colliery Mazdoor Sangh affiliated to INTUC and Coal Workers Union affiliated to AITUC. Colliery Mazdoor Sangh is now known as Rashtriya Colliery Mazdoor Sangh and the Coal Workers Union is now known as United Coal Workers Union. With the agreement of these two unions guidelines for screening the workers were laid down and accordingly in the first process 6,000 persons were given employment. Later, on further demand of the union an Appellate Committee was constituted consisting of S/Shri I.B. Sanval and J.P. Choudhury to receive appeals from people not considered for employment at the first instance. In this process 2,100 persons were given employment during April and May, 1974 subject to employment being given in the next dry season commencing from November, 1974. Still there was a lot of discontentment and a dispute was raised by the Rashtriya Colliery Mazdoor Sangh that these 2,100 persons should be made permanent and a further number of about 100 workers who were left out should be employed. The dispute was referred to arbitration of S/Shri J. B. Kumar-mangalam, Chairman, Coal Mines Authority Ltd. and Shri Bindeshwar Dubey, the then Health Minister, Government of Bihar and a very prominent labour leader. On the basis of their work 2,025 persons were found fit for employment, and the Arbitrators also held that after the employment of these persons the matter would be finally stand resolved in regard to engagement of workers in Kedia-Jharkhand Group. These concerned workmen whose names appear in the Reference orders were those who were given appointment letters resulting on the recommendation of the Appellate Committee. The management's case is that against real persons these eight concerned workmen started working and therefore they are impersonators having no right to work under the management. Appointment letters were issued to them in May, 1974 as a result of the recommendation of the Appellate Committee, but they never worked before in the collieries under the

private contractors. The management got complaint from various sources including M.Ps. about the problem of impersonators and therefore the management constituted a committee of officers to make enquiry. The committee screened a very large number of cases and scrutinised various papers and statements of respected impersonators. They submitted a report identifying the impersonators. The management considered the report of the committee and found them to be impersonators and by order stopped them from work. According to the management, as impersonators, these concerned workmen have not become workmen at all and therefore the standing order applicable to the coal mines workers could not be applicable to them. The management, therefore, did not start any departmental proceeding and simply ordered the concerned workmen to cease work. According to the management the stoppage of work of the concerned workmen is fully justified.

6. The main question involved in the dispute in these two reference cases is as to whether these concerned workmen are impersonators. It means that these concerned workmen are not genuine workers of the colliery and had taken their appointments in place of the genuine workers. We have already stated as to how in the Kedia Jharkhand Group of collieries a very large number of persons were claiming to be workers of the colliery. The management has admitted that the records of these collieries were not maintained properly and therefore no reliance could be placed on these records. It was decided to make appointments on the basis of the consultation with the two prominent unions affiliated to INTUC and AITUC, first list after screening was brought out and selection of 6,000 persons was made and appointment letters issued to them. Thereafter an Appellate Committee was formed at the instance of these two unions which selected 2,100 persons. These concerned workmen had been selected by the Appellate Committee and appointment letters were issued to them. They joined their appointments and worked for several years and became members of Coal Mines Provident Fund as well. It is evident that they became permanent workers of the colliery. The method adopted for ending their services should have been a departmental enquiry. Instead a committee was formed by the management to make enquiries in respect of suspected impersonators. The management's own case is that this was done because some prominent labour leaders including M.Ps pointed out the presence of a large number of impersonators working in the collieries. The committee took the statements of the suspected persons and also took their photographs and their finger print and signatures were taken. This was compared by one handwriting and finger print expert attached to the Vigilant Cell of the management of Central Coalfields Ltd. Comparison was made with their applications, appeals, etc. and it was found that these concerned workmen had made no application for appointments nor preferred appeals and the appointment letters were not issued to them. On the basis of the report of the Committee these concerned workmen were stopped from work.

7. Against this action of the management the contention on behalf of the workmen is that they were genuine workers working from before nationalisation and they had received appointment letters on the basis of which they had worked continuously in the colliery till the date of stoppage of their work. Their grievances is that since they had been made permanent, they should not have been removed from service without any charge-sheet and domestic proceeding. According to them they were not given any opportunity to show that they were genuine workers of the colliery. The contention raised before me on behalf of the workmen is that what the management obtained by a departmental enquiry should have been treated as a preliminary enquiry and the management at best could come to a conclusion that there was a prima-facie case for impersonation. But in order to establish impersonation it was necessary that evidence should have been concluded to show that the concerned workmen were impersonators and the same should have been the subject matter to domestic enquiry. Then again the report should have been considered and the concerned workmen if found guilty of the charges, should have been dismissed. The management's contention in this regard is that since the concerned workmen were impersonators the provisions of standing order of the colliery could have no application and therefore the domestic enquiry was not needed and there was no need to dismiss the concerned workmen because they never happened to be the workmen of the colliery at all.

8. A large number of documents have taken into evidence on behalf of the parties. But I will refer to only such docu-

ments which are necessary. M-1 Shri Sahadeo Ram a senior clerk in the office of General Manager, Hazaribagh Area of CCL. He is attached to the personnel section. He has said that a committee was constituted for enquiry into the cases of impersonators in the Hazaribagh area. Shri B.P. Kapoor, Manager (Admn.), Shri B.K. Chatterjee, Sr. Personnel Officer and Shri G.N. Sengupta, Asstt. Security Officer and Finger Print Expert were members of the enquiry committee. The committee was assisted by Shri P.N. Lal who was then Labour Welfare Officer and by this witness. His evidence is that the committee used to call the suspected impersonators and record their statements. Some of the statements of the persons were recorded by him and some by Shri P.N. Lal, and some by Shri P.K. Chatterjee. After the statements were recorded they were read out and explained to the persons concerned and their LTIs or signatures were taken. A photographer took their photographs and those photos were pasted on the statements. Shri G.N. Sengupta compared the thumb impressions and signatures with the thumb impressions and signatures appearing on the appointment letters and appeals. He also recorded his opinion. The statements of S/Shri Kaloo Behra, Bhagwan Muni and Garib Chand Sao together with the opinion of Shri Sengupta has been proved by this witness and marked Exts. M 1, M 2 and M 3. The three appointment letters relating to S/Shri Kaloo Behra, Bhagwan Muni and Garib Chand Sao have also been proved and marked Exts. M 4, M 5 and M 6. The appeal applications of S/Shri Garib Chand Sao and Bhagwan Muni have been marked Exts. M 7 and M 8 and M 8 was compared by Shri Sengupta. The statements of S/Shri Ramashray Sao, Kartik Behra and Sadagar Sao are Exts. M 9, M 10 and M 11. These were also compared by Shri Sengupta. The appeal application of Shri Kartik appearing his thumb impression is Ext. M 12. The appeal of Shri Ramashray Sao is Ext. M 13, and of Shri Sadagar Sao is Ext. M 14. The photostat copy of the office order appointing the committee is Ext. M 15. This office order was amended subsequently by another office order Ext. M 16. In his cross-examination the appointment letters relating to these concerned workmen were admitted by this witness and marked Exts. W.1 to W.7. Their identity cards were marked Exts. W. 8 to W. 13.

9. MW-2 Shri Chandra Shekhar Jhaharia is a finger print expert and also a pleader at Dallangunj. He was asked to compare the thumb impressions and handwriting of these concerned workmen and in his evidence he has said that the specimen did not tally with the disputed documents. His report is Ext. M 17, M 18, M 19 and M 20. I need not discuss his evidence because on behalf of the workmen no attempt has been made to falsify his report.

10. MW-3 Shri K. D. Abraham has come to say that Sri G. M. Sengupta of the Security Department died on 24-1-83. There was no cross-examination on this point. The report of Shri G. M. Sengupta in respect of comparison of thumb impression and hand writing are very relevant because in ordinary course they would be required to prove his opinion.

11. MW-4 Shri V. Kapoor is the Personnel Manager of CCL, Ranchi. He was appointed in 1963 and in 1974 he became the Staff Officer, Administration and then Manager (Admn.) and presently Personnel Manager. He has said that though Exts. M15, and Ext. M16 the Committee of Enquiry was constituted consisting of S/Shri P. K. Chatterjee, G. M. Sengupta and himself. Shri Chatterjee is no longer in CCL and Shri Sengupta retired in 1980. His evidence is in corroboration of MW-1. He has said that the committee prepared three reports which have been marked

12. MW-5 Shri P. N. Lal was associated with the committee as Labour Welfare Officer. He is now Sr. Personnel Officer. His evidence is that 30,000 persons claimed employment in Kedla Group of collieries in August, 1973 and there was serious law and order problem. On the basis of estimate of the management the number of workers in these collieries were assessed as 6,000. The collieries during the time of the Receiver had been divided into 30 blocks. The management of NCDC after consultation with the unions working in that area formulated a guideline for screening of the workers. According to that guideline

6,300 workers were appointed and they were given appointment letters. But the unions were not satisfied and they were asked to prefer appeals. Some 20,000 people preferred appeals, but not on forms because no form was prescribed, but one of the labour leaders Mrs. R. Gupta printed her own forms for appeals. An Appellate Committee was formed which scrutinised the appeals and recommended 2,200 persons for employment in dry season only, i.e., from 15th November to 15th June. Notice for employment along with the list was issued under the signature of Mr. Seini the then General Manager. This has been marked Ext. M29. The Rastriya Colliery Mazdoor Sangh objected to the temporary employment of the persons suggested by the Appellate Committee and raised a dispute. It was referred to the arbitration of Shri J. G. Kumaramangalam and Shri B. Dubey, who was then Health Minister of Government of Bihar. The Arbitrators at the first gave a part award (Ext. M30) and then a final award (Ext. M31) was given. Mrs. R. Gupta alleged possibility of impersonation and it was decided in the award that the cases of impersonation would be looked into. Under these awards they selected a number of 2,200 workers who were made permanent. The witness has said that the management received complaint of impersonation from M.Ps. and union leaders and then the management decided to enquire into the matters. Then he has gone to say as to how an enquiry committee was constituted, and how the enquiry took place. In fact, he corroborates the statements made by MW-1 who along with this witness was assisting this enquiry. He has said that Ext. M27 is in his handwriting. He has proved termination letters in respect of the concerned workmen which are Exts. M32 to M32/7.

13. MW-6 Shri B. N. Singh was posted at Kedla South colliery as Addl. Labour Welfare Officer and he was in charge of block Nos. 31, 26, 20, 15, 16, 11, 6 and 9. In 1974 some persons were employed in these blocks of Kedla South colliery after their appeals were accepted. He has said that after the appeal results were received a system was introduced to interview the persons whose appeals were allowed and then to deliver appointment letters to them. This procedure was contained in Ext. M35, dated 29-4-74 signed by Shri B. K. Sarkar, Custodian. On the copy of the appointment letters he took thumb impression or signatures on the office copy of the appointment letters. He was one of the members of the committee formed under the aforesaid letter. Ext. M31/2 and M31/4 bear his signatures. Similarly Ext. M5 and Ext. M31/7 also bears his signature. Out of the 8 concerned workmen, 7 were appointed in Kedla South colliery and the 8th Shri Budhan Jaswara was appointed elsewhere. In his cross-examination he has said that the instructions was that all the appointment letters should be distributed on 1-5-74. He has no recollection if all the candidates turned up on 1-5-74 to receive their appointment letters. He has also no recollection as to who identified the thumb impressions of the concerned workmen at the time of receiving the appointment letters. In his evidence he has said that he joined Kedla South colliery after the nationalisation and prior to that he was working in the Receiver's office. He did not know any of the workmen of Kedla Jharkhand Group of collieries. After the issue of the appointment letters he did not check to find out if the same persons who had taken appointment letters also joined as workman of the colliery.

14. The above is all the evidence adduced on behalf of the management. With the evidence aforesaid the management has been able to show that the thumb impressions or signatures in the appeal applications and the same on the office copy of the appointment letters did not correspond to the thumb impressions or signatures appearing on the statement recorded by the Committee of enquiry. There is no doubt that such a result would naturally lead to a thinking that these concerned workmen were not the persons who put their thumb impressions either on the appeal applications or on the office copy of the appointment letters. It is clear that somebody else put the signatures and thumb impressions. But it is difficult to say as to whether the thumb impressions and signatures on the appeal applications and on the office

copy of the appointment letters were genuine or not. In this connection it has been contended on behalf of the workmen that originally more than 30,000 people had made applications for appointment in Kedla Jharkhand Group of collieries as genuine workers. Subsequent to the appointment of 6,200 persons the clamour for appointment continued and the Appellate Committee on further screening selected some 2,200 persons for appointment. It will also appear that Colliery Mazdoor Sangh affiliated to INTUC had also made a special case for another 100 persons. Such applications were filed at the instance of the union and it can well be imagined what an up-hill task it must have been for the officials of the NCDC who were asked to take over the management of Kedla Jharkhand Group of Collieries. Even before the Appellate Committee there were about 20,000 applications for consideration and out of them 2,200 were selected and the instruction was to distribute all the appointment letters on a single day. To my mind it appears that all the workers who were appointed as a result of such screening could not have been present to take the appointment letters themselves and somebody on their behalf, may be the union workers, managed to get some other people to put the thumb impressions or signatures on the applications as well as in the office copy of the appointment letters. The pertinent question is if by virtue of such appointments genuine workers were appointed and the same persons joined inspite of the signatures or thumb impressions appearing on the applications and the office copy of appointment letters. In matters of impersonation the real thing to determine is as to who was working in the colliery prior to nationalisation and whether the same person after appointment joined in the colliery or not. The stress is on the identity of the man and not on the papers that came into existence as a result of screening and resultant appointments. This is what the management could not do and merely came to the conclusion on the basis of thumb impression appearing on these documents. That I mean to say is that identity of the real person visa-a-vis these concerned workmen was ascertained by the management before coming to a conclusion that these concerned workmen were impersonators. This is an inherent lacuna in the case irrespective of whatever evidence has been given in this case on behalf of the workmen. Now let us see what evidence has been adduced on behalf of the concerned workmen.

15. Shri Ramasray Sao, WW.1 is one of the concerned workman. He has said that he was first appointed as a piece rated worker in 1970 in Block No. 20 of Kedla South colliery. Shri Sadagar Sao is his nephew and Shri Garib Chand Sao is his cousin and also they were appointed at the same time in Block No. 20. The appointment was made by Shri Shivram Singh who was the owner of Block No. 20 and Shri B. B. Sao was the manager of that block. He has said that during 1972-73 the mine used to be closed and opened from time to time because certain litigations was going on at that time. According to him whenever the mine was closed the workers used to go to their homes and one of them used to come from home to the colliery to make enquiry. His evidence is that they were all members of the United Coal Workers Union of which the Secretary was Shri S. D. Sharma. Shri Sharma used to give information regarding the employment position. The witness has said about the take over of the colliery by the Government and he and other concerned workmen were not appointed in the first list. Thereafter they filed their applications before the Custodian. The witness has put his signature on the application and the other two S/Shri Garib Chand Sao and Sadagar Sao put their LTIs. According to him all the three were appointed in the second list and they received their appointment letters on 1-5-1974. They also put their thumb impressions on the office copy. Then again they put their LTIs on Form B register. His evidence is that right from the date of their initial appointment in 1970 till the date of their stoppage of work in 1981 they continued to work in the colliery and received wages. They also put their LTIs on the bonus register. They all became members of Coal Mines Provident Fund. In the return submitted to CMPF they put their LTIs. They were moreover given identity cards by the management. The witness has said

that after they were made to sit idle they approached their Gram Panchayat and B.D.O. for granting them certificates. The certificates were to the effect that they belong to the village and their identities were correct. They also gave their photographs to the B.D.Os. and Mukhiya to attest the photo and for being fixed in the certificates. He has said that the document concerning his identity has been signed by the Mukhiya, Shri Debi Dayal Singh of Malwa Gram Panchayat in whose jurisdiction his village falls. It also bears the signature of the B.D.O. Shri A. B. Singh. This document has been marked Ext. W.14. Similarly the certificate concerning Shri Garib Chand Sao is Ext. W.15 and that of Shri Sadagar Sao is of W.16. He has said that originally he and his two other relations who were workmen in this case belong to village Poktha. But while Shri Garib Chand Sao remained all along at Poktha his family had shifted to village Malwa and Shri Sadagar Sao had shifted to village Kushina. This change of village by two of the concerned workmen had occurred in 1975. The witness has said that he and Sadagar Sao sold their ancestral properties and shifted to village Poktha. The witness has said that before stopping the duty they were not issued any charge-sheet nor any enquiry was held relating to the charge-sheet. Further no criminal case was instituted against them for impersonation. They did not receive any compensation. While working in the colliery this witness has qualified and obtained Gas Testing Certificate issued by the Mines Department which is Ext. W.17. It also bears his photograph. The witness has said that he and others were active members of United Coal Workers Union and that they were stopped from duty by the management to weaken this union as against Rashtriya Colliery Mazdoor Sangh union.

16. WW-2 is Shri Kaloo Behera. He along with S/Shri Bhagwan Muni Kanai Naha and Kartik Behra are workmen in Ref. No. 64/81. They are Oriya labour recruited by Shri Suman Sena, a sardar working in Nema colliery. He has said that the sardar brought 70 workers from Ganjam district in Orissa for working in Kedla colliery. Such workers were engaged for working in block nos. 11, 15 and 20 of Kedla Colliery. They started work in the colliery in the month of January, 1970. He and Shri Kanai Naha were employed in block No. 15, Shri Kartik Behra was engaged in Block No. 11 and Shri Bhagwan Muni in Block No. 20. His evidence is that their names appeared in form B register bonus register and wage sheet and they used to give their thumb impressions for receiving payment regularly. He has said that immediately after the take over of the colliery by the Government the colliery remained closed and they were reappointed by the authorities. He has said that at the initial appointment they were not appointed but in the second lot they were appointed and they joined their duties. They were required to give their applications for appointment. One Shri K. D. Babu of the union of Shri S. D. Sharma prepared their applications on which they put their thumb impressions. All the applications were filed in the Parej office. After selection the appointment letters were distributed on 1-5-74 and 2-5-74. WW.2 got his appointment letter on 2-5-74, Shri Bhagwan Muni received appointment letter on 1-5-74 and Shri Karti Behra on 2-5-74. Shri Kanai Maha was not present and he came 3/4 days later. The peon of the colliery came to the residence and gave appointment letter to Shri Kanai Naha. Shri Naha put his thumb impressions on the peon book before receiving the appointment letter. After their appointment and joining they put their thumb impressions in form B register bonus register, wage sheets and Coal Mines Provident Fund returns. The witness then says that after they were stopped from work they went to their village homes and obtained certificates from the Gram Panchayat. His certificate is Ext. W. 18. The certificate concerning Shri Kanai Naha is Ext. W. 19 and that Shri Kartik Behra is Ext. W. 20. The witness has named the Gram Panchayat official and BDO who signed these certificates. Ext. W. 20, has been attested by the Officer-in-Charge of Police Station, Purushottampur.

17. WW-3 is Shri R.C. Das. He was the attendance clerk at Colliery by M/s. NCDC. He knows the concerned workmen S/Shri Ramashray Sao, Sadagar Sao, Garib Chand Sao and

Bhagwan Muni who were working in Block No. 20 as piece rated workers. He has said that the aforesaid four persons came to him with appointment letters for working in the mine after nationalisation. They joined their jobs and later on their names were entered in Form B register. The witness has said that these four persons were known to him from before nationalisation as workmen of Block No. 20. He has also said that he continued to be the attendance clerk of Block No. 20, till 1975 and found that these workmen were continuously working. They were also given identity cards.

18. Similar is the evidence of WW. 5 who was a munshi in Block No. 15 immediately before take over. He was made attendance clerk in Block No. 15 after take over. He has named and identified Shri Kaloo Behera and Shri Kanai Naha as workers of Block No. 15 before take over and also after take over. Their names were entered in form B register and their attendance were marked in the attendance register. He has said that these two persons are genuine workers and not impersonators.

19. Similarly WW-6 Shri A.N. Jha was the munshi in Block No. 15. He knew S/Shri Kaloo Behera, Kanai Naha who were working in this block, during the private management time. Same persons were given letters of appointment after nationalisation and they joined their duties in Block No. 15. The same persons continued till they were stopped from working. He has said that these two persons are genuine workers and not impersonators. The witness was a munshi in Block No. 15 till the year 1976. He was promoted from grade III to grade II and then transferred to Tapin Sale Centre. He has not been promoted to grade I.

20. WW. 4 is Shri S.D. Sharma, the Area Secretary of United Coal Workers Union. He has sponsored the dispute on behalf of the concerned workmen in Reference Case No. 60/81 and Reference Case No. 64/81. The concerned workmen were members of his union before the take over and after the take over of the colliery and he knows them personally. Their appeals and applications were filed for consideration as they were not included in the earlier list. The appeals were filed in the form of applications. He has said that Exts. M7, M8, M12, M-13 and M15 and other appeals which are in these files do not bear the signature of the Custodian. According to him these are not genuine documents. He has said that there has been always trouble between his union and the Rastriya Colliery Mazdoor Sangh. According to him the concerned workmen are not impersonators and have been victimised because they belong to their union. The witness has said that there has been some differences between him and Shri P.N. Lal, Personnel Officer in Sub area office over appointments of some workers. He has doubt that Shri Lal might have played certain tricks with the concerned workmen.

21. It will appear from the evidence adduced on behalf of the workmen that they had been working in the colliery prior to take over and nationalisation and they joined by virtue of appointment letters issued to them. They have been identified by not only the Secretary of the union but also the attendance clerk and munshi who had to deal with them even prior to the nationalisation and after nationalisation also. There is nothing to doubt their statements. They have produced certificates also from local Gram Panchayet and BDOs to establish their identity. On behalf of the management certain criticism have been levelled against these certificates, but these certificates may be regarded in favour of the workmen

because they have procured the same from the local authorities in support of their identity. The position is that the management did not make any effort to bring the so-called real and genuine workers in whose places these concerned workmen said to have been working. It is pertinent to note that ever since the appointment of these concerned workmen none of the so-called real and genuine workers made any approach to the management challenging these concerned workmen's genuineness. In fact the complaints were made by others. The foremost duty of the management was to check the genuineness of the concerned workmen by verifying their identities and this has not been done. I have already said that in order to establish impersonation it is necessary to know the identity of the real person in whose places these concerned workmen are said to have started working. I therefore must say that the management has not been able to establish that these concerned workmen are impersonators.

22. It has been contended on behalf of the workmen that in a case like this, the law with regard to retrenchment comes into play. These concerned workmen happened to be permanent workers and they were summarily thrown out. Such an action would amount to retrenchment within the meaning of S. 25 of the I.D. Act, 1947. It is not the case of the management that these concerned workmen were retrenched according to law. It is also noteworthy that the plea of the management that these concerned workmen are not workmen of the colliery is not sustainable. What the management has done is to record a finding that these concerned workmen were impersonators without establishing the case of impersonation. So, these concerned workmen must be held to be the workmen of the colliery and therefore the industrial law as well as standing order of the colliery are applicable to them.

23. Thus considering all aspects of the case I hold in Reference case No. 60/81 as follows :

The action of the management of Kedla Underground Project of Central Coalfields Ltd., District Hazaribagh in stopping S/Shri Ramashray Sao, Saudhagar Sao and Garib Chand Sao, piece rated workmen from 4-2-81 is not justified. Consequently, the concerned workmen should be deemed to be in the employment of the Project of Central Coalfields Limited w.e.f. 4-2-81. They are also entitled to all the back wages and other emoluments from 4-2-81, till they are reinstated in their jobs.

Similarly, my award in Reference case No. 64/81 is as follows :

The action of the management of Hazaribagh Area of Central Coalfields Ltd. in stopping S/Shri (1) Budhan Jaiswara, piece-rated workman of Jharkhand colliery and (2) Kanahi Nahako, (3) Bhagwan Muni, (4) Kaloo Behra (5) Kartik Behra piece-rated workers of Kedla South Colliery from work is not justified. Consequently, the concerned workmen are entitled to be in the employment of the colliery from the date they were stopped from work. They are also entitled to all back wages and other emoluments with effect from the date of stoppage of their work till they are reinstated in their jobs.

This is my award.

J. P. SINGH, Presiding Officer
[No. L-24012(9)/81-D.IV(B)]
S.S. PRASHER, Desk Officer.